

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4060 of 2023

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Suresh Chaudhary @ Suresh Kumar Son of Late Arjun Chayudhary Resident
of Village Jamsari, P.S. Bind District Nalanda.

... .. Petitioner/s

Versus

1. State of Bihar through the Principal Secretary, Excise Department, Govt. of Bihar, Patna.
2. That Principle Secretary Excise Department Govt. of Bihar, Patna.
3. The Excise Commissioner, Excise Department Govt. of Bihar, Patna.
4. The District Magistrate-cum-Collector, Nalanda.
5. The Additional Collector-cum-Additional District Magistrate, Nalanda.
6. The Superintendent of Police, Nalanda.
7. The Excise Superintendent, Nalanda.
8. The Officer-in-charge Bind District Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate
For the Respondent/s : Mr. Vivek Prasad, GP-7

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 26-06-2023 The petitioner is aggrieved with the confiscation proceedings initiated and concluded against his property for reason of seizure of liquor. Two litres country made liquor was recovered from the premises of the petitioner. The seizure report shows the location of the premises from which the above seizure was made. Confiscation proceedings were concluded by the Collector confiscating the property and



the appeal against it remained unsuccessful and the revision filed also was rejected.

There is no procedural irregularity pointed out by the learned counsel for the petitioner and in such circumstances, the only remedy available for the petitioner is to approach the Collector for release of the premises on payment of penalty as has been prescribed under Rule 12B of the Bihar Prohibition and Excise Rules, 2021. If such an application is filed, the Collector shall consider the same specifically taking into account the economic status of the individual, nature of involvement in the crime, location of the premises and more importantly, the quantum of the intoxicants recovered. These factors should be judiciously considered while determining the quantum of penalty to be imposed upon the petitioner. The petitioner shall file an application before the Collector within a period of two weeks from today upon which the Collector shall intimate a date of hearing and conclude the proceedings within a further period of one month from the date of hearing.

We make it clear that we have not made any observations on the merits of the case. The petitioner would



be entitled to challenge the order of the District Collector if he desires so.

Leaving such remedy open, the writ petition stands dismissed with the aforesaid observations and directions.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Saurabh/Bibhash

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