

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1515 of 2023

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Shailesh Kumar Son of Shankar Sao @ S.S. Sah Resident of Village-
Sadiqpur, Yogi, Near Budda Dental College, P.S.- Patrakar Nagar, District-
Patna, at present residing at House No.- 124 Type III, 3rd Floor, Near P.N.B.
ATM, Sadiq Nagar New Delhi, Pin Code- No.- 110049.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Excise Secretary, Government of Bihar, Patna.
3. The Excise Commissioner, Government of Bihar, Patna.
4. The Collector-cum-District Magistrate, Patna.
5. The Senior Superintendent of Police, Patna, District- Patna.
6. The Officer-in-Charge of Patrakar Nagar Police Station, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar Singh, Advocate
For the Respondent/s : Mr. Kumar Manish, SC-5

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

(Per: HONOURABLE THE CHIEF JUSTICE)

2 02-02-2023 Heard learned counsel for the parties.

Petitioner has prayed for the following reliefs: -

“ That this application is being filed for setting
aside the order dated 17.11.2022 passed in Excise
Revision No. 215/2022 and passed in Excise
Secretary, Bihar, Patna Annexure-6 whereby and
where under Excise Secretary has confirmed the
Case No. CRM- 7094/2021-22 by Collector-Cum-
District Magistrate, Patna (Annexure-7) and Excise
Commissioner vide Excise Appeal No.436 arising
out of Patrakar Nagar P.S. Case No. 28/2022 for



unseal the room of the petitioner bearing Thana No. 4/9, Khata No. 139, Plot No. 799, Area-1.96 decimals which was seized by S.H.O. Patrakar Nagar, Patna in offences under sections 30(a) of Bihar Prohibition and Excise Act, 2018 and further passed for grant of any other relief/reliefs for which the petitioner is found entitled.”

Against the order dated 04.06.2022 passed in Excise Confiscation Case no. 7094 of 2021-22 (arising out of Patrakar Nagar P.S. Case no. 28 of 2022) by the Collector-cum-District Magistrate, Patna (Respondent no. 4), the Excise Appeal no. 436 of 2022 preferred by the petitioner was rejected by order dated 22.08.2022. Thereafter the Excise Revision Case no. 215 of 2022 preferred by the petitioner was rejected vide order dated 17.11.2022 passed by the Excise Secretary, Government of Bihar, Patna (Respondent no. 2).

The writ petition is disposed of with liberty to the petitioner to avail the remedy of the amended provisions in terms of Rule 12(B) and Rule 57B of the Bihar Prohibition & Excise (Amendment) Rules, 2022.

It is made clear that this Court has not expressed any opinion with respect to the merits of the case.

Equally, liberty reserved to the petitioner to approach this



Court for the same and subsequent cause of action, if the need
so arises.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

shiv/Sujit

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