

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4226 of 2023

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Ayodhya Chaudhary, Male, aged about 53 years, Son of Late Mangal Chaudhary, Resident of Village-Dayanagar, P.S. and P.O.-Noorsarai, District -Nalanda.

... .. Petitioner

Versus

1. The State of Bihar through the Secretary of the Excise Department, Bihar, Patna.
2. The District Magistrate, Nalanda at Biharsharif
3. The Superintendent of Police, Nalanda at Biharsharif.
4. The Deputy Collector, Land Reforms, Nalanda at Biharsharif.
5. The Officer Incharge, P.S.-Noorsarai, District- Nalanda.
6. The Investigating Officer, P.S.-Noorsarai, District- Nalanda.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Satya Ranjan Sinha, Advocate
For the State	:	Mr. Kumar Manish, SC-5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE MADHURESH PRASAD)

Date : 13-04-2023

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner's house was inspected and two liters of country made liquor was recovered therefrom. An Excise Case bearing Acquisition (Excise) Case No.172 of 2022, arising out of *Noorsarai* PS Case No. 448 of 2022 was registered on



27-11-2022, for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Sections 30(a)/37 of the Bihar Prohibition and Excise (Amendment) Act, 2018 ('the Act' for short). The petitioner seeks to be absolved from the Excise Case.

Learned counsel for the State, on instructions, submits that a confiscation proceeding has been initiated under Section 56(b) of the Act against the house of the petitioner.

Learned counsel for the petitioner submits that he would be satisfied if a penalty is imposed in accordance with the discretion to be exercised by the District Collector under Rule 12B of the Bihar Prohibition and Excise Rules, 2021.

In such circumstances, the petitioner can approach the District Collector, Land Reforms, Nalanda at Bihar Sharif (Respondent No.4), within a period of two (02) weeks from the date of receipt/production of a copy of this order, to conclude the proceedings or impose a penalty, as provided under Rule-12B. If Rule-12B is invoked by the District Collector, Land Reforms, Nalanda at Bihar Sharif (Respondent No.4), then on payment of penalty, the petitioner's house would be absolved from the confiscation proceedings.

With the aforesaid observations/direction, the writ



application stands disposed of.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

rajkishore/-

AFR/NAFR	
CAV DATE	
Uploading Date	19.04.2023
Transmission Date	

