

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2470 of 2023

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Pushpa Devi, aged about 34 years, Gender-female, Wife of Kartik Kumar @
Kartik Prasad, Resident of Village-Basantpur, Police Station- Basantpur,
Distirct- Siwan.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Govt. of Bihar, Patna.
2. The Collector Cum District Magistrate, Siwan.
3. The Superintendent of Police, Siwan.
4. The Superintendent Excise, Siwan.
5. The Circle Officer, Siwan, District- Siwan.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Bijay Prakash Singh, Adv.
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 THE CHIEF JUSTICE)

Date : 13-04-2023

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

The petitioner's house was inspected and 70.545 liters of
foreign liquor was recovered therefrom. An Excise Case bearing
Excise Case C-III No. 287 of 2021 was registered on
02-08-2021, for the offence punishable under Section 30(a) of
the Bihar Prohibition and Excise Act, 2016 ('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 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, Siwan, 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/
Shyambihari-

AFR/NAFR	
CAV DATE	
Uploading Date	18-04-2023
Transmission Date	

