

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2713 of 2023

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Neha Kumari, female, aged about 27 years, Daughter of Krishna Kumar Roy,
Resident of Kurji Kothiya, Vikash Nagar, Sadadquat Ashram, P.S.- Digha,
District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The Director General of Police, Bihar Patna.
3. The Excise Commandant, Bihar Patna.
4. The District Magistrate-cum-Collector, Patna.
5. The Senior Superintendent of Police, Patna.
6. The Sub-Divisional Officer, Patna Sadar, Patna.
7. The Block Development Officer, Patna Sadar, Patna.
8. The S.H.O. Digha Police Station, Patna, District- Patna.
9. The Investigating Officer of Digha P.S., Case No. 388 of 2021, Digha, Patna.

... .. Respondents

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Appearance :

For the Petitioner : Ms. Priyanka Singh, Advocate
For the State : Mr. Vikash Kumar, SC-11

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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 262.875



liters of liquor was recovered therefrom. A First Information Report (hereinafter referred to as 'the FIR') bearing Digha P.S. Case No. 388 of 2021, was registered on 16-07-2021, 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 the District Collector invokes Rule-12B, 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/
Shyam Bihari/-

AFR/NAFR	
CAV DATE	
Uploading Date	17.04.2023
Transmission Date	

