

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5234 of 2023

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Kamlesh Singh @ Kamlesh Kumar Singh Son of Late Chaturi Singh, resident
of Village - Lala Atimi, P.S. - Nasriganj, District - Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Excise Department, Govt. of Bihar, Patna.
3. The Additional Chief Secretary, Excise Department, Govt. of Bihar, Patna.
4. The Commissioner, Excise, Bihar, Patna.
5. The District Magistrate-Cum- Collector, Rohtas at Sasaram.
6. The Senior Superintendent of Police, Rohtas at Sasaram.
7. The S.D.P.O., Bikramganj, Rohtas.
8. The Police Inspector-Cum-Incharge of Nasriganj Police Station, P.S. -
Nasriganj, District - Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shashikant, Advocate
For the Respondent/s	:	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 : 24-04-2023

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

The petitioner is aggrieved with the confiscation
proceedings initiated and concluded against his property for
reason of seizure of 43.2 liters of illicit liquor. 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)

(Madhuresh Prasad, J)

Shyambihari/
Sumit/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

