

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5759 of 2023

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Bhola Chauhan, S/o Mandal Chauhan, Resident of Village - Govindpur, P.S. -
Noorsarai, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Excise Dept. Government of Bihar, Patna.
2. The Principal Secretary, Excise, Government of Bihar, Patna.
3. The Commissioner, Excise, Bihar, Patna.
4. The Land Reform Deputy Collector, Biharsharif, Nalanda.
5. The Additional Collector-cum-Additional District Magistrate, Nalanda at Biharsharif.
6. The Officer-in-charge, Noorsarai Police Station, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binit Kumar, 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 : 25-04-2023

1. The petitioner is concerned with his house, which has been sealed pursuant to recovery of 11 litres of country made liquor. The confiscation proceedings ended on 26.07.2022 and the appeal filed also was dismissed on 27.09.2022. Later, there was an order of penalty imposed of Rs. 1 lac, on payment of which the confiscating authority agreed to release the house from the confiscation proceedings.

2. Having gone through the orders, we do not find any



procedural infirmity. And, insofar as the ground raised of acquittal in the criminal court, the statute itself makes the proceedings under confiscation and criminal proceedings distinct and separate, to be considered independently. In confiscation proceedings, preponderance of probability would weigh whereas in criminal proceedings, there should be proof beyond reasonable doubt.

3. We find absolutely no reason to interfere with the orders passed and in that circumstances, the petitioner would be entitled to avail the offer put forth under Rule 12B of the Rules. On deposit of the penalty, the premises shall be immediately absolved of the confiscation proceedings.

4. Writ application is disposed of.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

Sumit/Shashank-

AFR/NAFR	NAFR
CAV DATE	NA
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