

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6296 of 2023

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Lakshmi Devi Wife of Late Mohan Chaudhary Resident of village- Shanti
Nagar P. S.- Mehsi, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principle Secretary, Registration Excise and
Prohibition Department, Government of Bihar, Patna
2. The Principal Secretary Registration, Excise and Prohibition Department,
Government of Bihar Patna
3. The Collector-Cum-District Magistrate East Champaran
4. The Superintendent of Police East Champaran
5. The Superintendent of Excise East Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Respondent/s : Mr.Vikash Kumar (SC11)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 09-05-2023

Heard learned counsel for the petitioner and the
respondents.



The petitioner is aggrieved with the seizure of her courtyard pursuant to an FIR being Mehshi P.S. Case No. 351 of 2022 dated 12.12.2022. The FIR was registered on recovery of 10 litres of liquor from her courtyard. No confiscation proceeding has been initiated up till now. Learned Government Advocate also submits that he has no instruction as to whether any confiscation proceedings have been initiated up till now. However, the courtyard was sealed by the authority.

In such circumstances, we direct the seizing authority to transmit the papers immediately to the District Collector, if the petitioner approaches the District Collector on or before 06.06.2023. The District Collector, if not in receipt of the papers, would immediately instruct the seizing authority to forward the same.

If an application is filed under Rule 12(B) of the Bihar Prohibition and Excise Rules, 2021, the same shall be considered and the matter be disposed of.

If the penalty is deposited, as per the direction given by the District Collector, the courtyard of the petitioner shall be released.

We also give liberty to the petitioner to challenge the order passed by the District Collector, if need be.



With the aforesaid observations and directions, the writ petition stands disposed of.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

M.E.H/uttam/-

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CAV DATE	
Uploading Date	
Transmission Date	

