

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6889 of 2023

Madhu Kumari, Daughter of Sant Lal Santoshi, Wife of Anand Kumar Resident of Mohalla -Pandit Nagar, Near Railway Station, Post- Biharsarif Police Station - Bihar Sarif, District - Nalanda.at present Resident- K.D Enclave Near Pinto Park Tiraha DD Nagar, ASF Maharajpura Gwalior (Madhya Pradesh)

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Excise and Registration, Bihar, Patna.
2. The Additional Secretary cum Revisional Authority, Department of Excise and Registration, Bihar, Patna.
3. The Excise Commissioner cum Appellate Authority, Department of Excise and Registration, Bihar Patna.
4. The District Magistrate cum Confiscation Officer, Nalanda.
5. The Sub- Divisional Magistrate, Biharsarif, Nalanda.
6. The Superintendent of Police, Nalanda.
7. The S.H.O, Rahui P.S, District- Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Yadav, Advocate
For the Respondent/s : Mr. Vikash Kumar, SC-11

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE MADHURESH PRASAD)

Date : 17-05-2023

1. The petitioner is aggrieved by confiscation of her immovable property being 2 shop rooms and under construction rooms which was sealed in connection with Rahui (Bhaganbigha) P.S. Case No. 289 of 2021 dated 13.06.2021 on alleged recovery of 250 litres of illicit liquor.

2. It is submitted by learned counsel for the petitioner that the petitioner was residing with her husband, who is employed in Air Force, at Gwalior and she has no concern with the recovered liquor.

3. The admitted position is that the property has been



confiscated by order of the Sub-Divisional Magistrate, Bihar Sharif, in Confiscation Excise Case No. 330 of 2021 on 08.02.2022. The order of confiscation has unsuccessfully been challenged in Excise Appeal No. 343 of 2022 and Excise Revision Case No. 210 of 2022 and orders have been passed on 03.06.2022 and 21.10.2022, respectively.

4. In view of the large quantity of liquor recovered from the premises in question and order of confiscation attaining finality up to the revisional court, this court, in the absence of any procedural irregularity having been asserted by learned counsel for the petitioner, finds no reason to interfere with the orders in exercise of extraordinary discretionary writ jurisdiction.

5. Petitioner, however, will be at liberty to avail remedy of release of the house in terms of Rule 12B of the Bihar Prohibition and Excise Rules, 2016.

6. Writ application is dismissed.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

shashank/-

AFR/NAFR	NAFR
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