

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7733 of 2023

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Gupteshwar Singh Son of Ramcharitra Singh Resident of Village- Munjhara,
P.S.- Goh, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Home (Police) Department,
Government of Bihar, Patna.
2. The Principal Secretary, Excise and Prohibition Department, Government of
Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The District Magistrate, Aurangabad.
5. The Superintendent of Police, Aurangabad.
6. The S.H.O. of Goh Police Station, Daudnagar Sub-Division, District-
Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shrinath, Advocate
For the Respondent/s : Mr. Vikash Kumar (SC-11)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 20-06-2023 The petitioner is aggrieved by the seizure of his

house effected by the impugned order in a confiscation

proceeding initiated under Section-56 of the Bihar Prohibition

and Excise Act, 2016.

Learned counsel for the petitioner points out that

while the F.I.R. suggests the recovery from the residential

building, the District Collector has confiscated the house on the

ground that the contraband is recovered from a vehicle.



Having gone through the impugned order, we feel that the District Collector has grossly erred in considering the case and has not looked at the records properly.

In such circumstances, we set aside the impugned order only on the basis of the error noticed.

The matter shall be remanded to the District Collector. The petitioner shall appear before the District Collector on 11th of July, 2023 upon which the matter shall be heard and disposed of within two weeks thereafter. The petitioner shall also be entitled to make an application before the District Collector under Rule-12B of the Rules.

The petition stands disposed of.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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