

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8917 of 2022

Shobha Devi W/o Indal Singh @ Indal Mandal, R/o Village- Barun, P.S.-
Beldaur, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
2. The Collector-cum- District Magistrate, Khagaria.
3. The Superintendent of Police, Khagaria.
4. The Superintendent of Excise, Khagaria.
5. The S.H.O. Beldour Police Station, District- Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar
For the Respondent/s : Mr.Kumar Manish (Sc5)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 20-04-2023 Heard learned counsel for the petitioner and learned
counsel for the respondents.

The petitioner is concerned with the release of her residential house from which a quantity of 797.22 litres of liquor along with *Ganja* was seized under Section 30 (a) of Bihar Prohibition and Excise (Amendment) Act, 2018 and a First Information Report being Beldour Police Station Case No 48 of 2020 was registered on 09.03.2020.

The confiscation proceedings were concluded on 23.10.2021, as is seen from Annexure-D of the counter affidavit. The petitioner has not filed an appeal or revision against the



same.

The learned State counsel submits that the petitioner has remedy under Rule 12B of the Bihar Prohibition and Excise Rules (for brevity, the Rules), 2021.

If the petitioner approaches the Collector within a period of two weeks from today with an application to release the house under Rule 12B of the Rules, necessarily the Collector shall consider the same in accordance with the discretion conferred on him under Rule 12B of the Rules, after looking at the various factors which have to be dealt with, when imposing the penalty.

If the Collector exercises discretion and imposes penalty, on payment of penalty the house shall be released.

The proceedings shall be concluded within one month from the date of receipt/production of a copy of this order.

Writ petition stands disposed of.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

M.E.H/uttam/-

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