

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10450 of 2023

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Renu Pathak, Wife of Tunnu Pathak, Resident of Village-Rataul, P.S.-Chautarwa, District-West Champaran, At present Flat No. 204, Ranjan Path, Anand Apartment, Danapur, Dinapur-cum-Khagaul, P.S.-Rupaspur, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Additional Chief Secretary-cum-Revisional Authority, Registration, Excise and Prohibition Department, Government of Bihar, Vikash Bhawan, Patna.
3. That Excise Commissioner-cum-Appellate Authority, Registration, Excise and Prohibition Department, Govt. of Bihar, Vikash Bhawan, Patna.
4. The Additional District Magistrate-cum-Confiscational Authority, West Champaran, Bettiah.
5. The Superintendent of Police, Bagaha.
6. The S.H.O. Bagaha (Patkhauli) Police Station, District-West Champaran, Bettiah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad
For the Respondent/s : Mr. Vivek Prasad (GP-7)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

2 01-08-2023 In the Instant petition, the Petitioner has prayed for
the following relief:

*“ (I) To issue writ/writs, order/orders, direction/
directions including a writ in the nature of certiorari
for quashing the order dated 01.06.2023 passed in
Excise Appeal Case no. 59/2023 arising out of
Bagaha (Patkhauli) P.S. Case no. 455/2022 dated*



23.06.2022 passed by Excise Commissioner, Patna (as contained in Annexure-4) by which the Excise Confiscation Appeal preferred by the petitioner and the Excise Commissioner has been imposed Rs. 5,00,000/- (Five Lacks) upon a room no. 201 of the said Vishal Hotel. It is further quashed the order dated 24.03.2023 passed in Case No. CRM-541/2022-23 by the Additional District Magistrate, West Champaran, Bettiah (as contained in Annexure-3) whereby and whereunder he has been imposed Rs. 10 lacks upon the seized one room of the Vishal Hotel of the petitioner and the said Hotel is situated appertaining Mauza-Dumwalia, Thana No. 145, under Khata No. 114, Khesra No. 130, Mutation No. 2468 and Rakba 0.15 decimals under one room no.201 of the said Hotel, which belongs in the name of the petitioner as well as one room of the said Hotel after recovery of 750 Ml. foreign wines in room no. 201 of the said Hotel and the police has been sealed the said Hotel under Bihar Prohibition and Excise Act-2018/2022.

(II) To issue a writ/ writs, order/ orders, direction/ directions including a writ in the nature of mandamus directing the respondents to unseal the one room (Area 10' x 12') of the said Hotel upon the payment of at least amount Rs. one lac as per provision on the basis of small quantity 750 Ml. Foreign liquors has been recovered from the Vishal Hotel in which some persons were booked of one room of Hotel.

(III) For granting any other relief or reliefs for which



the petitioner may be found entitled in the facts and circumstances of the case."

2. The petitioner without exhausting the remedy of statutory Revision under Section 93 of the Bihar Prohibition and Excise Act, 2016 has presented this petition. In other words, the present petition is premature.

3. Accordingly, the present petition is disposed of reserving liberty to the petitioner to invoke remedy of Revision under section 93 of the Bihar Prohibition and Excise Act, 2016. He is also permitted to make an application/request for staying the auction proceedings subject to outcome of the Revision Petition. If such application/request is made, the Revisional Authority is hereby directed to consider the same and pass suitable interim Order within a period of four days from the date of petitioner's Revision Petition.

4. With the above observation, the Writ Petition stands disposed of.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

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