

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14580 of 2022

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Bhagat Chaudhary @ Devnandan Chaudhary, son of Rangali Chaudhary, Resident of Village- Chhatiyana, P.S.- Harnaut, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary Excise, Bihar Excise Department, New Secretariat, Baily Road, Patna.
2. The Director General of Police, Govt. of Bihar, Patna.
3. The District Magistrate cum Collector, Nalanda at Bihar Sharif.
4. The Additional Collector Cum Additional District Magistrate, Nalanda at Bihar Sharif.
5. The Superintendent of Police, Nalanda at Bihar Sharif.
6. The Police Inspector cum S.H.O. Harnaut, Police Station.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha, Advocate
For the Respondent/s : Mr. Kumar Manish, SC-5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 10-05-2023

1. Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The petitioner is concerned with the release of his premises from which a quantity of 3 litres of illicit liquor was seized under Section 30 (a) of Bihar Prohibition and Excise (Amendment) Act, 2018 and a First Information Report being Harnaut Police Station Case No. 53 of 2022 was registered on 09.02.2022.

3. The confiscation proceedings were initiated as Confiscation (Excise) Case No. 3 of 2023-24, as is seen from Annexure-B of the counter affidavit.



4. 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.

5. If the petitioner approaches the Collector within a period of two weeks from today with an application to release the premises 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.

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

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

8. If the petitioner is aggrieved with the quantum of penalty determined by the District Collector then he is also at liberty to challenge the same.

9. Writ petition stands disposed of.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

Sumit/Shashank-

AFR/NAFR	NAFR
CAV DATE	NA
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