

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14954 of 2022

=====

Vidyawati Devi, Wife of Late Nand Kishore Choudhary, Resident of Village-Jamsari, P.S.-Bind, Dist-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Additional Chief Secretary-cum-Revisional Authority, Bihar, Patna.
3. The Excise Commissioner-cum-Appellant Authority, Patna.
4. The District Magistrate-cum-Confiscation Authority, Nalanda.
5. The Additional Collector-cum-Additional District Magistrate, Nalanda.
6. The Superintendent of Police, Nalanda.
7. The Superintendent of Excise Police, Nalanda.
8. The Station House Officer Bind P.S., Nalanda.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar, Advocate Mr. Parmanand Prasad, 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 THE CHIEF JUSTICE)

Date : 20-04-2023

The petitioner is concerned with the immovable property which has been seized pursuant to the registration of a crime of recovery of ten liters liquor from the premises. The FIR registered is Bind P.S Case No.-179/2021, dated 10.12.2021.

The petitioner has filed an appeal and a revision unsuccessfully. The petitioner prays that the immovable property, which is a house, may be released to her on payment



of a penalty. For such purpose, the petitioner would have to definitely approach the District Collector who has a discretion to impose penalty looking at the various factors, as seen from Section 12B(2) of the Bihar Prohibition & Excise (Amendment) Rules, 2022. The petitioner can make an application within a period of two weeks and the District Magistrate concerned will consider the same within a further period of two weeks and release the same if the penalty imposed is deposited. The petitioner would also be entitled to challenge the quantum of penalty, if she is so aggrieved.

The writ petition would stand disposed of.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

Anushka/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	25.04.2023
Transmission Date	

