

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15025 of 2023**

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Ravi Krishna S/o Ranvir Kumar, R/o Village-Saura, Ward No. 07, P.S.-  
Bajpatti, District-Sitamarhi.

... .. Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Bihar Prohibition and Excise Department, Bihar, Patna.
2. The District Magistrate, Patna.
3. The Superintendent of Excise, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Officer in Charge, Malsalami P.S., District-Patna.

... .. Respondents.

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**Appearance :**

|                    |   |                                                                        |
|--------------------|---|------------------------------------------------------------------------|
| For the Petitioner | : | Mr. Krishna Kant Singh, Advocate.<br>Mr. Sudhir Kumar Sinha, Advocate. |
| For the State      | : | Mr. Kumar Manish ( SC- 5 ).                                            |

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**and**  
**HONOURABLE MR. JUSTICE RAMESH CHAND**  
**MALVIYA**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)**

**Date : 10-11-2023**

In the instant writ petition, the petitioner has prayed  
for the following relief/s:

“(i) To issue an appropriate order/s, direction/s  
including a writ preferably in nature of  
Mandamus commanding the respondents  
to release the goods/Fevicol-DDL Binder  
in favour of the petitioner who is owner  
of the said goods seized in Malsalami  
P.S. Case No.586 of 2023 registered  
under section 30 (a)/ of Bihar Prohibition



and Excise Act, 2022 lying in the premises of Police station and subject to natural decay by furnishing sufficient penalty to the satisfaction of learned District Magistrate, Gopalganj.

- (ii). Any other relief/s to which the petitioner is entitled in the facts and circumstances of the case.”

2. Short question for consideration is whether the excise authorities are authorized officers to seize liquor along with Fevicol, which is seized under Section 56(2)(iv) of the Bihar Prohibition and Excise Act, 2016. Further, for release of Fevicol, the petitioner has to approach the subordinate court while invoking Section 451 or not is the issue. It is necessary to reproduce Section 56(2)(iv) of the Bihar Prohibition and Excise Act, 2016. It reads as under:

**“56. Confiscation of Seized Items.-(1)xxx**

(2) Such items may include-

- (i) xxxxx
- (ii) xxxxx
- (iii) xxxxx
- (iv) any other item having bearing with the case;

Provided, where things as mentioned in Section 57 are to be destroyed, then the



Collector or an officer authorized by him need not confiscate the same before their destruction.”

(3) xxxxxxxx

3. Having regard to the language employed in the aforementioned statutory provisions and the fact that the liquor and fevicol have been seized, therefore, the petitioner is entitled to release of fevicol. The concerned authority is hereby directed to release other than the liquor items in favour of the petitioner, subject to Material Evidence that Fevicol was legally possessed by him or result of any other proceedings. Other than the liquor items shall be released within a period of two weeks from today, in accordance with law.

4. Accordingly, the present writ petition stands disposed of.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

P.S./-

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| AFR/NAFR          | NAFR        |
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