

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.879 of 2023

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Jagadish Mahto @ Jagdish Chaudhary, Son of Ramdhari Mahto @ Ramdhari Chaudhary, Resident of Village-Mukhiyapatti, Ward No. 3, P.S. Saharghat, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The Superintendent of Police, Madhubani.
4. The Officer-in-Charge, Saharghat Police Station, District Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Pandey, Advocate
For the Respondent/s	:	Mr. Vivek Prasad (GP-7)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 27-04-2023

1. The petitioner is concerned with seizure of his premises under the Bihar Prohibition and Excise Act, 2016. The seizure was on account of the detection of 90 litres of illicit liquor within the premises. An FIR was registered as Saharghat P.S. Case No. 181 of 2022.

2. Learned counsel for the petitioner submits that no notice has been issued in the confiscation case.

3. However, learned counsel for the State submits that confiscation case has been initiated as Confiscation Case No. 01/2023 and the notice was also issued for a hearing on



28.02.2023.

4. In the circumstances of the petitioner having submitted that he has not received a notice, it is only proper that the District Collector hears the petitioner before the confiscation proceedings stands concluded.

5. In such circumstances, it is directed that the petitioner will appear before the District Collector on 05.05.2023, upon which the District Collector would hear the petitioner on the confiscation proceedings and pass final order.

6. The petitioner would also be entitled to file an application under Rule 12B. In such circumstances, the District Collector would properly exercise his discretion as conferred under Rule 12B(2), to determine the penalty, if the District Collector finds that the release of the premises is possible under Rule 12B(3).

7. Writ application is disposed of.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

shashank/sumit-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.05.2023
Transmission Date	NA

