

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.17793 of 2022**

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Ranju Devi Wife of Sudarshan Goshwami @ Sudarshan Gosai, Resident of  
Village-Naya Tola, Banjariya, Ward No. 5, P.S.-Banjariya, District-East  
Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,  
Government of Bihar, Patna.
2. The Commissioner, Excise, Bihar, Patna.
3. The District Magistrate cum Collector, East Champaran at Motihari.
4. The Additional Collector-cum-Sub-Divisional Officer, Right to Public  
Grievance redressal, Areraj, East Champaran, Motihari.
5. The Superintendent of Police, East Champaran at Motihari.
6. The Excise Superintendent, East Champaran, Motihari.
7. The S.H.O. Turkauliya (Banjariya) Motihari, Dist East Champaran.
8. The Investigating Officer of Turkauliya (Banjariya) P.S. Case No. 285/2017,  
District-East Champaran.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Ajay Kumar Singh

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 ORDER**

**(Per: HONOURABLE THE CHIEF JUSTICE)**



3      20-04-2023                      Heard learned counsel for the petitioner and learned counsel for the respondents.

The petitioner is concerned with the release of her house from which a quantity of 351 litres of liquor was seized under Section 30 (a) of Bihar Prohibition and Excise (Amendment) Act, 2018 and a First Information Report being Turkauliya (Banjariya) Police Station Case No 285 of 2017 was registered on 25.05.2017 and the house was sealed.

The District Collector has passed a confiscation order against which an appeal was filed in which subsequently again the confiscation was ordered by the District Collector against which no appeal was filed. As such, petitioner could only take recourse to Rule 12B of the Bihar Prohibition and Excise Rules (for brevity 'the Rules') 2021, wherein the District Collector has a discretion to decide whether the house can be released and a penalty is imposed on the basis of the consideration of various factors as is seen from Rule 12B(2) of the Rules.

If the petitioner makes an application before the District Collector within two weeks from today, the District Collector shall consider the same under Rule 12B of the Rules within one month, thereafter and if release ordered and the amount of penalty is deposited, the house shall be released.



Writ petition stands disposed of.

**(K. Vinod Chandran, CJ)**

M.E.H/uttam/-

**(Madhuresh Prasad, J)**

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