

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.30 of 2023

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Shankar Rai, Son of Late Pathal Rai, Resident of Village- Sadatpur, P.S.-
Kanti, District Muzaffarpur, at present residing in Mohalla- Yadav Nagar,
Bhagwanpur Chatti, P.S.- Sadar, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Bihar, Patna.
2. The Additional Chief Secretary, Excise Department, Bihar, Patna.
3. The Commissioner, Excise Department, Bihar, Patna.
4. The Secretary to the Excise Commissioner, Bihar, Patna.
5. The District Magistrate, Muzaffarpur.
6. The Deputy Development Commissioner, Muzaffarpur.
7. The Senior Superintendent of Police, Muzaffarpur.
8. The Station House Office, Kanti Police Station, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Lal Mani Sharma, 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 : 27-04-2023

The petitioner is aggrieved with the confiscation proceedings initiated and concluded against his property for reason of seizure of liquor. 597 litres of Indian made foreign liquor were recovered from the premises of the petitioner. The seizure report shows the location of the premises from



which the above seizure was made. Confiscation proceedings were concluded by the Collector confiscating the property and the appeal against it remained unsuccessful and the revision filed also was rejected.

There is no procedural irregularity pointed out by the learned counsel for the petitioner and in such circumstances, the only remedy available for the petitioner is to approach the Collector for release of the premises on payment of penalty as has been prescribed under Rule 12B of the Bihar Prohibition and Excise Rules, 2021. If such an application is filed, the Collector shall consider the same specifically taking into account the economic status of the individual, nature of involvement in the crime, location of the premises and more importantly, the quantum of the intoxicants recovered. These factors should be judiciously considered while determining the quantum of penalty to be imposed upon the petitioner. The petitioner shall file an application before the Collector within a period of two weeks from today upon which the Collector shall intimate a date of hearing and conclude the proceedings within a further period of one month from the date of hearing.



We make it clear that we have not made any observations on the merits of the case. The petitioner would be entitled to challenge the order of the District Collector, if he desires so.

Leaving such remedy open, the writ petition stands dismissed with the aforesaid observations and directions.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	02.05.2023
Transmission Date	

