

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13595 of 2024

=====

Jiut Sah @ Jiut Prasad @ Jeet Sah, S/o-Late Ramji Shah @ Rambabu Prasad,
R/o Mohalla-Ward no. 18, Ilamram Chwok, P.S.-Bettiah Nagar, District-West
Champaran.

... .. Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration, Excise and Prohibition, Government of Bihar, Patna.
2. The Principal Secretary, Department of Registration, Excise and Prohibition, Government of Bihar, Patna.
3. The Additional Chief Secretary, Department of Registration, Excise and Prohibition, Government of Bihar, Patna.
4. The Excise Commissioner, Bihar Prohibition and Excise Department, Bihar, Patna.
5. The District Collector, Bettiah, West Champaran.
6. The Additional Collector, Bettiah, West Champaran.
7. The Superintendent of Police, Bettiah, West Champaran.
8. The Superintendent of Excise Department, Bettiah, West Champaran.
9. The Circle Officer, Bettiah, West Champaran.
10. The Station House Officer, Bettiah Town Police Station, Bettiah, West Champaran.

... .. Respondents.

=====

Appearance :

For the Petitioner : Mr. Saurav Singh, Advocate.
For the State : Mr. Addl. Advocate General-7.

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 13-09-2024

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

“a. For issuance of writ in the nature of
certiorari to modify the order dated



15.03.2024 passed in Excise Confiscation case no.CRM-744/2021-22 passed by the Additional District Magistrate by which the premieres in question owned by the petitioner are allowed to be released upon the penalty of Rs.2,00,000/-(Two Lakh Rupees only).

- b.** Further prayed for issuance of a consequential writ in the nature of a writ of mandamus or any other appropriate writ order or direction commanding the Respondents Authorities to not to take any coercive steps against the shop of the petitioner during the pendency of this writ application.
- c.** Pass any appropriate order/orders for which Your Lordships would deem fit and proper.”

2. The petitioner has rushed to this Court without exhausting remedy of appeal before the Appellate Authority under Section 92 of the Bihar Prohibition and Excise Act, 2016. Further, he has parallel remedy of filing application in the prescribed form under Rule 12B of the Bihar Prohibition and Excise Rules, 2021 read with amended sub Rule 2 of Rule 12B in the year 2022. He is at liberty to invoke either of the remedy



before the concerned authority insofar as reducing penalty of Rs.2,00,000/-(Rupees Two Lacs) which has been imposed by the confiscating authority. If such application/appeal is filed before the concerned authority, the concerned authority is hereby directed to take note of the same and take a decision within a period of two months from the date of receipt of such application/appeal.

3. With the aforesaid observation, the instant writ petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.09.2024.
Transmission Date	NA

