

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12565 of 2024

Kishan Kumar Sah Minor son of Kailash Sah through Sudha Devi, aged-47 years (Female), wife of Kailash Sah, mother and natural guardian, Resident of village- Satanpur, P.S.- Ujiarpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Addl. Chief Secretary, Madyanishedh, Patna.
2. The Additional Chief Secretary, Madyanishedh, Patna.
3. The Excise Commissioner, Bihar, Patna.
4. The Collector-cum-District Magistrate, Samastipur.
5. The Land Reforms Deputy Collector, Dalsingsarai, District- Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy, Advocate
For the Respondent/s : Mr.Kunal Tiwary, AC to GA2

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

Date : 05-09-2024

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

(i) For the issuance of an appropriate Writ to quash the notice dated 10.4.2024 in Makan/Bhumi Adhiharan (Utpad) Case No.33/2023-24 to the petitioner by the L.R.D.C., Dalsingsarai to confiscate the house of petitioner in connection with Ujiarpur P.S. Case No.320/2023 dated 22.8.2023. (Contained in Annexure-2).

(ii) For the issuance of an appropriate writ commanding/directing the respondents to exonerate the premises of petitioner from confiscation in Ujiarpur P.S. Case No.320/2023 since the petitioner or any other family member of the house has not



been given opportunity U/S 32(3) of the Bihar Prohibition and excise Act-2016 to account satisfactory explanation for the proposed confiscation.

(iii) For the issuance of an appropriate Writ/Order as your Lordships may deem fit and proper for the ends of Justice or to which the petitioner is found entitled.

2. On 02.09.2024, we have passed the following order:-

“Mr. Rajan Prakash, learned counsel for the respondents is hereby directed to secure oral instruction as to whether confiscation proceeding has completed or not as on this day. If it is completed, what is the date of such completion and it has been communicated to the petitioner or not? If it is communicated, what is the date of communication?”

2. Re-list this matter on 05.09.2024.”

3. Today, learned counsel for the state/respondent *Mr. Kunal Tiwary*, on oral instruction submitted that confiscation proceedings is yet to be finalized. Therefore, petitioner is at liberty to resort remedy under Rule 12B of the Bihar Prohibition and Excise Rules, 2021 read with amended sub Rule 2 of Rule 12B in the year 2022 and 2023. If such application is submitted before the competent authority, the competent authority is hereby directed to consider and dispose of petitioner's application under the Rule 12B of the Bihar



Prohibition and Excise Rules, 2021 read with amended sub Rule 2 of Rule 12B in the year 2022 and 2023 within a period of one month from the date of receipt of such application.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	10.09.2024.
Transmission Date	N/A

