

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2377 of 2022

In
Civil Writ Jurisdiction Case No.4296 of 2022

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Usha Devi, W/o Sri Dharmendra Ram, Resident of Village-Telmar, P.O. and
P.S.-Telmar, District- Nalanda.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Shri Amir Suhani,
Government of Bihar, Patna.
2. K.K. Pathak, the Principal Secretary, Prohibition, Excise and Registration
Department, Government of Bihar, Patna.
3. Shashank Shubhankar, the District Magistrate, Nalanda.
4. Jai Prakash Paswan, S.H.O., Harnaut (Telmar) Police Station, Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arya Achint, Advocate
For the Opposite Party/s : Mr.Kumar Manish, SC-5
Mr. Kumar Pankaj, AC to SC-5

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

5 15-03-2024 The present M.J.C- Contempt petition is filed for non-

compliance of order dated 06.05.2022 passed in C.W.J.C. No.

4296 of 2022.

2. It is necessary to reproduce portion of the order. It
reads as under:-

*“In said view of the matter, the District
Collector/Confiscating authority, Nalanda is
directed to unseal the residential premises other
than from where illicit liquor was recovered and is*



further directed to conclude the confiscation proceeding within 90 days from the date of filing of show cause by the petitioner, if not already filed or within 90 days if the show cause has been filed from the date of receipt/production of a copy of order passed by this Court, failing which, the sealed room of the petitioner shall be unsealed till conclusion of confiscating proceeding and possession to be handed over to the petitioner, on furnishing adequate sureties and undertaking to the satisfaction of District Collector/Confiscating Authority, Nalanda.

Or

It is submitted by learned counsel for the State that during pendency of writ petition, there has been amendment in the Bihar Prohibition and Excise Rules, 2021 and a new Rule 12(B) has been inserted which reads as under:-”

3. The Respondents have made a statement that on 07.05.2022 portion of the premises has been unsealed, which are not relevant for the purpose of confiscation. Thereafter, confiscation proceedings have attained finality on 16.11.2022. It



is also learnt that petitioner has not preferred Appeal/Revision and so also application under Rule 12(B) of Bihar Prohibition and Excise Rules, 2021. In the light of these facts and circumstances, the petitioner has not made out a case for initiation of Contempt of Court proceedings.

4. Accordingly, the present M.J.C.- Contempt petition stands dropped reserving liberty to the petitioner to invoke remedy of Appeal/Revision under Sections 92 & 93 of Bihar Prohibition and Excise Act, 2016. They have also not exhausted remedy, as noticed by this Court that they have a remedy under Rule 12(B) of Bihar Prohibition and Excise Rules, 2021. If it is permissible, even to this day, petitioner is at liberty to invoke the remedy.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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