

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2635 of 2025

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Bahadur Bind, S/o Late Maneshwar Bind, R/o Village-Barui, P.S.-Kharagpur,
District-Munger.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Excise Department,
Government of Bihar, Old Secretariat, Patna.
2. The Collector-Cum-District Magistrate, Munger.
3. The Superintendent of Police, Munger.
4. The District Supply Officer (Excise), Munger.
5. The SHO, Kharagpur Police Station, District-Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate
For the Respondent/s : Mr. Saroj Kumar Sharma, AC to AAG-3

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

Date : 20-03-2025

In the instant petition, petitioner has prayed for the
following reliefs:

*“I. For issuance of writ of mandamus
and any other appropriate writ or writs,
order/orders, direction/directions to the
respondent’s authority to release the house with
premises wherefrom it is alleged to be recovery of
illicit wine.*

II. For setting aside the confiscation



order dated 11.12.2024 passed in Excise Confiscation Case No. 42/2023-24 passed by the Collector-cum-District Magistrate, Munger.

III. For further direction to waive the fine imposed upon the petitioner amounting to Rs.1,00,000/- (One Lakh) as a penalty as per Bihar Excise Amendment Act, as the petitioner belongs to a category of Below Poverty Line (BPL) and has not other land except the present one.

IV. For any other appropriate order/orders and direction/directions befitting to the petitioner in the larger interest of natural justice.”

2. The petitioner has a statutory remedy of Appeal before the Appellate Authority under Section 92 of the Bihar Prohibition and Excise Act, 2016, without exhausting such remedy, petitioner has rushed to this Court. The petitioner is at liberty to invoke Appeal before the Appellate Authority under Section 92 of the Bihar Prohibition and Excise Act, 2016. If such Appeal is filed, the concerned Appellate Authority is requested to decide the petitioner's Appeal within a reasonable period of time of two months from the date of receipt of such



Appeal. In the meanwhile, the Respondents are hereby directed to not to proceed with the auction of the subject land till disposal of petitioner’s Appeal to be filed.

3. With the above observation and direction, the present C.W.J.C. No. 2635 of 2025 stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Sinha, J)

manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.03.2025
Transmission Date	NA

