

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4668 of 2025

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Tetari Devi wife of Sakhichand Chaudhary @ Bhutali Chaudhary, resident of
Village- Sakuchi Sarai, P.S. Giriyak (Pawapuri), District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise Department,
Government of Bihar, Old Secretariat, Patna.
2. The Collector-cum-District Magistrate, Nalanda.
3. The Superintendent of Police, Nalanda.
4. The District Supply Officer (Excise), Nalanda.
5. The Circle Officer, Giriyak, Nalanda.
6. The SHO, Giriyak (Pawapuri O.P) Police Station, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Raj Kishor Prasad, Advocate Ms. Dimpal Kumari, Advocate
For the Respondent/s	:	Mr. Standing Counsel (28)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
And
HONOURABLE MR. JUSTICE S. B. PD. SINGH
CAV JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. B. PD. SINGH)

Date : 16-05-2025

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

*“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 of the petitioner, wherefrom it is
alleged to be the recovery of illicit wine.*

II. For setting aside the order dated



03.08.2022 passed in Confiscation (Excise) No. 60/2022 passed by the Sub-Divisional Magistrate, Rajgir, Nalanda by which it has been ordered to identify the share of the petitioner and sold it on Maximum Floor Price and deposit it in the Treasury.

III. For further direction to waive the fine imposed upon the petitioner as a penalty as per Bihar Excise Amendment Act, as the petitioner belongs to a lower stratum of the society and has no 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. Briefly stated the facts of the case is that there is alleged recovery of 1 litre of illicit liquor from the house of the petitioner. On the basis of aforesaid fact, Giriyak (Pawapuri O.P) P.S. Case No. 37 of 2022 dated 26.01.2022 was registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Learned counsel for the petitioner submitted that petitioner is the owner of the house and she has no



concern with the seized illicit liquor. The petitioner is an illiterate lady and due to village enmity, she has falsely been implicated in this case. It is further submitted that without receiving any notice, confiscation proceeding was initiated vide order dated 03.08.2022 passed in Confiscation (Excise) Case No. 60 of 2022 by Sub-Divisional Magistrate, Rajgir which is illegal, arbitrary and whimsical. The seizure list has been made without following the rule of search. The recovery of illicit liquor is only 1 liter and it is a meager quantity and not within the purview of commercial quantity.

4. Considering the small quantity of liquor, the concerned authority is hereby directed to collect fine of Rs. 10,000/-(Ten Thousands) and unseal the house of the petitioner within a period of one week from the date of receipt of this order, for which petitioner has no objection.

5. We are conscious of the fact that alleged recovery is meager quantity and the aforesaid order has been passed while invoking extra ordinary jurisdiction under Article 226 of the Constitution of India for the reasons that unnecessarily petitioner shall not be subjected to various proceedings like Rule of 12A of the Bihar



Prohibition and Excise Rules, 2021 read with amended sub Rule 2 of Rule 12A in the year 2022 and 2023, Sections 58, 92 and 93 of the Bihar Prohibition and Excise Act, 2016, for an issue of 1 litres of illicit liquor and such order is required to prevent the multiplicity of proceeding in the interest of justice.

6. Accordingly, the writ petition stands disposed of.

(S. B. Pd. Singh, J)

(P. B. Bajanthri, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	07/05/2025
Uploading Date	16/05/2025
Transmission Date	N/A

