

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7559 of 2025**

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Pankaj Kumar @ Pankaj Kumar Bhadani S/o Late Hiralal Mathur @ Hiralal Bhadani Resident of Village-Jamuawan, P.S.-Kadirganj, District-Nawada

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Bihar, Patna.
2. The Divisional Commissioner, Excise Department, Patna Division, Patna.
3. That District Collector, Nawada.
4. The Superintendent of Police, Nawada.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Sheo Kumar Prasad  
For the Respondent/s : Mr. Standing Counsel (09)

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**

**And**

**HONOURABLE MR. JUSTICE S. B. PD. SINGH**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE S. B. PD. SINGH)**

**Date : 16-05-2025**

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

*(i) For release the kiosk (Gumti) which is belonging to the petitioner which is situated on N.H.-31 near tempo stand seized by the respondent authorities in connection with Nawada P.S. Case No. 870/2024 for the offence registered under section 30(a) of the Excise Act.*

*(ii) For that till date confiscation case has not been instituted in this present case.*



2. There is recovery of 10.500 litres of illicit country made foreign liquor from the kiosk(*Gumti*) of the petitioner. The petitioner was apprehended from the spot. On the basis of the aforesaid facts, Nawada Excise P.S. Case No. 870 of 2024 dated 11.12.2024 was instituted under Section 30(a) of the Bihar Prohibition & Excise Amendment Act, 2022.

3. It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. There is no recovery from the conscious possession of the petitioner. The petitioner is a poor person running a kiosk(*Gumti*). Moreover, there is recovery of only 10.5 litres of illicit liquor. It is further submitted that till date, no notice of initiation of confiscation proceeding has been received by the petitioner.

4. Learned counsel for the respondents submits that recovery of illicit liquor was made from the kiosk (*Gumti*) of the petitioner. The respondent authority was justified in taking action under the provisions of the Excise Act. However, the petitioner has alternative remedy to get the said kiosk unsealed after making payment of penalty in



terms of Rule 12(B) of the Bihar Prohibition & Excise Rules, 2021.

5. From perusal of the record, it has transpired that alleged recovery of 10.5 litres of illicit liquor was made from the kiosk (*Gumti*) of the petitioner. Moreover, for recovery of a meager quantity of illicit liquor from the premises of the petitioner and petitioner having no criminal antecedent, a penalty of Rs. 25,000/-(Twenty Five Thousands) is appropriate in light of the facts and circumstances of the case for which petitioner has no objection.

6. We are conscious of the fact that alleged recovery is of 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 12B of the Bihar Prohibition and Excise Rules, 2021 read Sections 58, 92 and 93 of the Bihar Prohibition and Excise Act, 2016, for a trivial issue relating to seizure of 10.5 liters of illicit liquor and the aforesaid decision is warranted to prevent



multiplicity of proceeding under Excise Act and Rules, in the interest of justice.

7. Considering recovery of small quantity of liquor, the petitioner is directed to deposit a penalty of Rs. 25,000/-(Twenty Five Thousands) and the concerned authority is hereby directed to collect fine of Rs. 25,000/- (Twenty Five Thousands) and unseal the kiosk (Gumti) of the petitioner within a period of one week from the date of receipt of this order.

8. Accordingly, the writ petition stands disposed of.

( S. B. Pd. Singh, J)

(P. B. Bajanthri, J)

Shageer/-

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