

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6849 of 2025

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Nageshwar Ray @ Nageshwar Singh S/o. Mahendra Ray, R/o. Village-
Bhauri, Bashara, P.S.- Rajapakar, District - Vaishali, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Addl. Chief Secretary, Excise Department,
Government of Bihar, Patna.
2. The District Magistrate cum Collector, Vaishali at Hajipur.
3. The Superintendent of Excise, Vaishali at Hajipur.
4. The Officer-in-Charge, Rajapakar Police Station, District- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prakash Chandra, Advocate
For the Respondent/s : Mr. Viveka Nand Singh, AC to G.P 18

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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 : 08-05-2025

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

“i. For issuance of appropriate writ/writs in the nature of mandamus commanding the concerned respondents to unseal entire house of Petitioner which has been constructed over land bearing Khata No. 72 and 80, Khesra No. 158 and 157, situated at Mauza Chakrajo, P.S - Rajapakar, District Vaishali, Bihar and same has been illegally sealed by concerned respondents without



following the law related to search and seizure under BNSS, 2023 and on false recovery of 22.350 liter liquor from kitchen and bedroom of the said house in connection with Rajapakar P.S Case No. 38 of 2025, dated 29.01.2025, lodged U/s. 132/127(1)/115(2)/3(5) of BNS, 2023 and section 30 of the Bihar Excise Amendment Act, 2016.

ii. Any other relief or reliefs as the Hon'ble Court may deem fit and proper in the facts and circumstances of the case..

2. Briefly stated the facts of the case is that there is alleged recovery of 22.350 litres of illicit liquor from the kitchen and bedroom of the house of the petitioner. On the basis of aforesaid fact, Rajapakar P.S. Case No. 38 of 2025 dated 29.01.2025 was registered 132, 127(1), 115(2), 3(5) of B.N.S and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioner submitted that petitioner is the owner of the house and he has no concern with the seized illicit liquor. The seizure list has been made without following the rule of search. The



recovery of illicit liquor is only 22.350 litres which is a meager amount and not within the purview of commercial quantity. It is further submitted that till date, no notice of initiation of confiscation proceeding has been received by the petitioner.

4. Considering the small quantity of liquor, the concerned authority is hereby directed to collect fine of Rs. 25,000/-(Twenty Five 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 a issue of 22.350 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	N/A
Uploading Date	15/05/2025
Transmission Date	N/A

