

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10062 of 2025

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Bedam Devi wife of Kashi Mistri, Resident of Mohalla Mahsai, Ward No. 12,
P.S.-Rajauli, District-Nawadah.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration, Excise and Prohibition, Government of Bihar, Patna.
2. The Excise Commissioner, Patna.
3. The Collector cum District Magistrate, Nawadah.
4. Superintendent of Police, Nawadah.
5. Inspector Excise cum Officer in Charge Excise Police Station, Nawadah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar
For the Respondent/s : Mr. Standing Counsel (11)

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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 : 07-07-2025

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

*“i. To issue appropriate writ(s),
order(s), direction(s) in the nature of
certiorari quashing the order dated 7.5.2025
passed by respondent no.5. whereby and
where under the room of the petitioner of his
house has been sealed in connection with
excise P.S. case no. 287/2025 under section
30(a) of the Bihar Prohibition and Excise Act.
The residential house/premises bearing*



*Mauza Mahsai Thana No. 183 Khata no.192
Khesra no.1056/1057 Thana no.183 area 08
decimals which was stand in the name of the
petitioner.*

*ii) To issue an appropriate writ in the
nature of Mandamus directing the respondent
authorities to unlock the residential room
bearing Mauza Mahsai Thana no.183 Khata
no.192 Khesra no.1056/1057 area 08
decimals which was stand in the name of the
petitioner.*

*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.*

*iv) Any other relief or reliefs which the
petitioners may found entitled to in the facts
and circumstances of the case.*

2. Briefly stated the facts of the case is that there is alleged recovery of 1.875 litres of illicit liquor from the fridge of the house of the petitioner. On the basis of aforesaid fact, Excise P.S. Case No. 287 of 2025 dated 06.05.2025 was registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.



3. Learned counsel for the petitioner submitted that petitioner is old lady aged about 71 years and is the owner of the house and she 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 1.875 litres which is a meager amount and not within the purview of commercial quantity. It is further submitted that till date, no notice for 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. 10,000/-(Ten Thousands) and unseal the room of 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 1.875 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	11/07/2025
Transmission Date	N/A

