

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13178 of 2025

Uma Lal alias Uma Shankar Lal, Son of Late Ayodhya Lal, Resident of
Village- Rajauli Nai Tola, 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

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv.

For the State : Mr. Kamlesh Kishore, AC to SC 12

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH
CAV JUDGMENT
(Per: HONOURABLE MR. JUSTICE SHAILENDRA SINGH)

Date : 28-08-2025

1. Heard Mr. Ram Prawesh Kumar, learned counsel
for the petitioner, and Mr. Kamlesh Kishore, learned AC to SC
12 for the State.

2. By preferring the present writ application, the
petitioner prays for the following reliefs:

*“ i) To issue appropriate writ(s), order(s),
direction(s) in the nature of certiorari quashing the order
dated 25.6.2025 passed by respondent no.5. whereby and
whereunder the General Store shop room of the petitioner of
his house has been sealed in connection with Nawadah
Excise P.S. Case No. 432/2025 under section 30(a) of the*



Bihar Prohibition and Excise Act. The General Store shop room /premises bearing Mauza Takuatard Khata no. 14 Kheshra no.287 area 001 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 General Store shop room bearing Mauza Takuatard Khata no. 14 Kheshra no.287 area 001 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 be found entitled to in the facts and circumstances of the case.”

3. Briefly stated, the facts of the case are that the informant received secret information that the petitioner's son, namely Anil Kumar, had kept liquor for sale in the General Store shop room. On such information, the police raided the place of occurrence and recovered 04 litres of illicit liquor (beer) from the said shop. On the basis of the aforesaid recovery, Nawadah Excise P.S. Case No. 432 of 2025 was registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

4. It is submitted by learned counsel for the petitioner that the petitioner is a 74-year-old poor person, owner of the General Store shop, and he has no connection with the seized



illicit liquor. It is further submitted that the petitioner's son runs the General Store shop room, which is situated on the roadside, and that due to village politics and with the intention to tarnish the petitioner's image in society, the present case has been lodged by the police based on mere suspicion. It is also submitted that there is a violation of Sections 103 and 105 of the BNSS, and that the recovery of only 04 litres of illicit liquor is a meager quantity, which does not fall within the purview of commercial quantity. Lastly, it is submitted that the petitioner has no criminal antecedents, is landless, and apart from the General Store shop, has no other source of livelihood.

5. Heard both sides, perused the impugned order and relevant materials. Considering the small quantity of liquor, the concerned authority is hereby directed to collect a fine of Rs. 10,000/- (Rupees Ten Thousand only) from the petitioner and unseal the General Store shop room within a period of one week from the date of receipt of this order, to which the petitioner has no objection.

6. We are conscious of the fact that the alleged recovery is of a meager quantity of liquor, and the aforesaid order has been passed by this Court while invoking its extraordinary jurisdiction under Article 226 of the Constitution



of India, for the reason that the petitioner should not be unnecessarily subjected to various proceedings under Rule 12B of the Bihar Prohibition and Excise Rules, 2021, read with the amended Rule 12B in the year 2022, and Sections 58, 92, and 93 of the Bihar Prohibition and Excise Act, 2016, for the issue of recovery of only 04 litres of illicit liquor. Such an order is required to prevent multiplicity of proceedings in the interest of justice.

7. Accordingly, the writ petition stands disposed of.

(Shailendra Singh, J)

I agree.

(P. B. Bajanthri, J)

annu/-

AFR/NAFR	NAFR
CAV DATE	25.08.2025
Uploading Date	28.08.2025
Transmission Date	NA

