

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16144 of 2024

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Punam Devi, Wife of Ravindra Choudhary, resident of village Pasi Tola, P.S.
Lalmatiya, District Bhagalpur.

... .. Petitioner

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Excise @ Prohibition, Government of Bihar, Patna.
2. The Assistant Commissioner, Excise, Bhagalpur.
3. The District Magistrate, Bhagalpur.
4. The Senior Deputy Collector, District Legal Cell, Bhagalpur.
5. The Senior Superintendent of Police, Bhagalpur.
6. The Assistant Superintendent of Police, (Training)-cum-S.H.O., Kahalgaon, District Bhagalpur.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Ms. Pravina Kumari, Advocate
For the Respondent/s	:	Mr. Manoj Kumar Ambastha, SC-26
		Mr. Divit Vinod, AC to SC-26

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

4 08-01-2025 In the instant petition, the petitioner has prayed for the
following relief(s):

*“(i) For issuance of appropriate
order/direction/writ specially in nature of
certiorari setting aside the impugned notice dated
11.3.2024 issued by the petitioner in Misc. (Excise)
Case No.62 of 2024-25 issued under the signature
of Respondent No.4 whereby and whereunder on*



the ground that since proposal for confiscation of petitioner's dwelling house has been received from the level of Respondent Senior Superintendent of Police for recovery of wine from his dwelling house in connection with Lalmatiya Police Station Case No.16 of 2024 instituted under section 30(a) of Bihar Excise Act seeking explanation why house of petitioner may not be confiscated in view of section 56(C) and 58(2) of Bihar Excise (Amendment) Act, 2018 as also directed the petitioner to deposit fine of Rs. 1,00,000/- (Rupees one Lac) within 15 days upon which seized house will be released and since only meager quantity 10 liters foreign liquor was found wrapped in one paper concealed under the stair of the room in ground floor of common house in which entire families and children of all the brothers and co-sharers are residing in common house and the same was not used for commercial purpose rather might be possible to keep by any of the members for personal consumption and as such initiation of confiscation proceeding is itself not maintainable and consequential impugned notice is



itself bad in eye of law and the same is fit to be quashed.

(ii) For issuance of appropriate direction upon the Respondents concerned to release the dwelling house of petitioner and no coercive action may be taken as petitioner is poor person and not in a position to deposit one lac rupees as fine for getting the dwelling house officially released from liability to keep 10 liters foreign liquor in house.

(iii) Any other order/orders for granting any other relief/reliefs for which the petitioner is found entitled to in the facts and circumstances of this case.”

2. On 26.11.2024, we have passed the following orders:-

“The respondents are hereby directed to file their counter affidavit, positively before the next date of hearing.

2. In the meanwhile, petitioner is permitted to deposit 50% of the amount which has been demanded to the extent of Rs. 50,000/- (Rupees Fifty Thousand) for the purpose of release



of the subject matter of premises. If such amount is deposited before the next date of hearing, concerned authority is hereby directed to release the premises subject to outcome of the present petition and other proceedings if any.

3. Re-list this matter on 07.01.2025.”

3. In the result, Respondents have drawn proceedings on 31.12.2024, while dropping the proceedings against the petitioner and so also releasing the subject matter of premises in favour of the petitioner.

4. In view of these developments, the present petition does not survive for consideration. Accordingly, the present Writ petition stands disposed of.

(P. B. Bajanthri, J)

(Ashok Kumar Pandey, J)

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