

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1418 of 2026

-
1. Gulab Paswan S/o Late Shobhan Paswan, R/o village Sikarwar, P.S. Adhaura, District Kaimur at Bhabua.
 2. Gulabi Kunwer, W/o Late Laxman Singh, R/o village Sikarwar, P.S. Adhaura, District Kaimur at Bhabua.

... .. Petitioners

Versus

1. The State of Bihar through the Commissioner, Excise Department, Patna.
2. The Collector Cum District Magistrate, Kaimur at Bhabua.
3. Sub-Divisional Officer, Bhabua, Kaimur at Bhabua.
4. Sub-Divisional Officer, Mohania, Kaimur at Bhabua.
5. The Superintendent of Police, Kaimur at Bhabua.
6. The Superintendent of Excise Prohibition, Kaimur at Bhabua.
7. The Station Head Officer of Adhaura Police Station, Kaimur at Bhabua.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
Mr. Anurag Patel, Advocate
For the Respondent/s : Mr. Amit Bhushan, AC to GP-17

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

4 14-05-2026 Petitioners in this writ application are aggrieved by and dissatisfied with the order dated 24.10.2025 passed by the Collector-cum-District Magistrate, Kaimur at Bhabhua in Other (Asset Confiscation) Case No. 01/2025 arising out of Adhaura P.S. Case No. 30 of 2023 whereby the District Magistrate has been pleased to direct the petitioners to deposit a sum of Rs.1,00,000/- to avoid the confiscating proceeding of their dwelling house.



2. Learned counsel for the petitioners submits that the petitioners come from a poor strata of society and the total valuation of the property from where the *mahua* liquors have been recovered would not be more than Rs.90,000/- approximately. In this regard, statements have been made in paragraphs '10' and '11' of the writ application. It is submitted that the sum of Rs.1,00,000/- is much more than the valuation of the land which is under seal.

3. On the other hand, learned AC to GP-17 for the State has pointed out sub-rule (2) of Rule 12B of the Bihar Prohibition and Excise Rules, 2021 (as amended up to date) (hereinafter referred to as the 'Rules of 2021 (as amended up to date)'). It is submitted that under Rule 12B(2), the Collector or the officer authorised by him is empowered to fix the quantum of penalty giving due regard to the economic status of the individual, nature of involvement in crime, location of the premises and the quantum of intoxicant recovered but in later part of sub-rule (2), the Legislatures have made it clear that the fine shall not be less than Rs.1,00,000/- in any case.

4. It is, thus, submitted that the Collector-cum-District Magistrate, Kaimur at Bhabhua has not committed any error by asking the petitioner to deposit Rs.1,00,000/- to release the



house from the confiscation proceeding.

5. We have heard learned counsel for the petitioner and learned AC to GP-17 for the State. Rule 12B(2) of the Rules of 2021 reads as under:-

“¹[12B. Release of Premises on Payment of Penalty.-

(2) The Collector or the officer authorized by him shall have due regard to the economic status of the individual, nature of his involvement in the crime, location of the premises and the quantum of intoxicant recovered while deciding the quantum of fine to be paid by the individual. However, the fine shall not be less than Rs. one Lakh in any case.”

6. On a bare perusal of the aforesaid provision, it would appear that in no case the penalty amount may be less than Rs.1,00,000/-. This being a statutory mandate, we are of the view that no writ may be issued against the statute. The impugned order does not suffer from any illegality or infirmity.

7. This writ application stands dismissed.

(Rajeev Ranjan Prasad, J)

(Soni Shrivastava, J)

lekhi/-

U			
---	--	--	--

