

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11471 of 2025

Govind Kumar Gupta Son of Shiv Shankar Sah, Resident of Village-
Gamharia, Police Station- Akodhigola, District- Rohtas (Sasaram).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Govt. of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The Collector-cum-District Magistrate, Rohtas (Sasaram).
4. The Superintendent of Police, Rohtas (Sasaram).
5. The Circle Officer, Rohtas (Sasaram).
6. The Superintendent of Excise and Prohibition, Rohtas (Sasaram).
7. The Excise Officer, Rohtas (Sasaram).
8. The S.H.O. Akodhigola, Dist - Rohtas (Sasaram).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bijay Shankar Choubey, Advocate
For the Respondent/s : Government Pleader (24)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

4 02-02-2026 The present writ petition has been filed for quashing the
order dated 15.11.2021 passed by the learned Court of
Collector-cum-District Magistrate, Rohtas (Sasaram) in Excise
Confiscation Case No. 534 of 2020, as affirmed vide order dated
06.09.2022 passed by the learned Commissioner Excise, Bihar,
Patna in Excise Appeal Case No. 329 of 2022 and by an order
dated 22.07.2024 passed by the learned Secretary (Prohibition



and Excise), Bihar, Patna in Excise Revision Case No. 43 of 2023.

2. At the outset, the learned counsel for the petitioner has referred to Rule 12B of the Bihar Prohibition and Excise (Amendment) Rule, 2022 (hereinafter referred to as the 'Rules, 2022') to submit that in case auction of the premises in question is still pending, the petitioner can avail the facility provided under Rule 12B of the Rules, 2022 and get the premises released on payment of penalty. In this connection, reference has been made to the Explanation to Rule 12B of the Rules, 2022, which is reproduced hereinbelow:-

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

Explanation-In all pending/ongoing cases of confiscation/ auction of premises, the Collector or the officer authorized by him may give an opportunity to the existing owner to pay the aforesaid penalty and get the premises released. Upon satisfaction of ownership and upon payment of such penalty, the ongoing confiscation/auction proceeding may be dropped and the premises released.”

3. *Per contra*, the learned counsel for the respondent-State submits that the confiscation proceedings have already concluded and the premises of the petitioner in question bearing Area 10 ft. x 10ft. appertaining to Thana No. 108, Khata No. 69, Khesra No. 31/5, situated at Mouja-Gamhariya, P.S.



Akodhigola, District-Rohtas (Sasaram), has been confiscated and even the appeal and the revision filed by the petitioner have stood dismissed, nonetheless he has not denied the fact that Explanation to Rule 12B of the Rules, 2022 provides for grant of an opportunity to the owner of the premises in question to pay penalty and get the premises released in all pending/ongoing cases of confiscation/auction of premises and since in the present case this Court by an order dated 11.08.2025 had stayed the auction of the premises in question, the competent authority shall definitely entertain the petition which may be filed by the petitioner under Rule 12B of the Rules, 2022, and dispose off the same in accordance with law.

4. Having regard to the facts and circumstances of the case, we grant liberty to the petitioner to file appropriate petition under Rule 12B of the Rules, 2022 before the learned Collector, Rohtas at Sasaram/his authorized officer and in case such a petition is filed within a period of two weeks from today, the learned Collector, Rohtas at Sasaram/his authorized officer shall consider the same in accordance with law and pass a reasoned and a speaking order within a period of four weeks, thereafter without being impeded by the fact that the confiscation of the premises of the petitioner has already taken place.



5. It is needless to state that in case appropriate appeal is filed within a period of two weeks from today, the premises in question shall not be auctioned till the final disposal of the appeal.

6. Accordingly, the present writ petition stands disposed off.

(Mohit Kumar Shah, J)

(Alok Kumar Pandey, J)

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