

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16026 of 2025

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Bhagmani Mahto @ Bhagmani Devi Wife of Surendra Mahto, Resident of Village- Amnour Dih, Police Station - Amnour, District- Saran, presently residing at Mohalla- Samrail, Police Station- Howrah, West Bengal.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Saran at Chapra.
4. The Superintendent of Police, Saran at Chapra.
5. The Deputy Collector Land Reforms, Marhaura, District- Saran.
6. The Station House Officer of Amnour Police Station, District- Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shekhar Harshvardhan, Advocate
For the Respondent/s	:	Mr. Additional Advocate General (9)
		Mr. Anil Kumar Verma, AC to AAG-9

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

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

2 09-02-2026 The present writ petition has been filed for quashing the order dated 17.07.2025 passed by the Deputy Collector Land Reforms, Marhaura, Saran in Confiscation Case No. 118 of 2024 whereby and whereunder a penalty of Rs. 1,10,000/- has been imposed along with additional 3% penalty to the tune of Rs. 3,300/- on the head of security and upkeep of the premises in question, for the purposes of release of the house in question.



2. The brief facts of the case are that the police force, upon receipt of confidential information regarding smuggling of illicit liquor, had proceeded to conduct a raid at the house of Surendra Mahto situated at village - Amnour Dih and when the police force had reached near the said house, one person was trying to flee away, however he was arrested by the police force and upon being asked he had disclosed his name as Surendra Mahto. Thereafter, a search was made at the house of said Surendra Mahto and during the course of search, 25.920 liters of illicit foreign liquor was recovered from the roof of the house in question. On the basis of written report of the police personnel, an FIR bearing Amnour P.S. Case No. 426/2024 dt. 21.12.2024 was registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the “Act, 2016”) against the aforesaid Surendra Mahto on account of recovery of 25.920 liters of illicit foreign liquor.

3. The learned counsel for the petitioner submits that the Deputy Collector Land Reforms, Marhaura, Saran vide order dated 17.07.2025 has though passed an order for release of the house in question, however penalty to the tune of Rs. 1,10,000/- along with 3% additional penalty to the tune of Rs. 3,300/- has been levied which in any view of the matter is exorbitant. It is



submitted that the house in question does not belong to Surendra Mahto, who is the estranged husband of the petitioner and the petitioner has acquired the said house from her own resources vide registered sale deed dated 07.05.2010. It is also submitted that the house in question was closed at the time, the police had conducted search and in fact the illicit liquor has been admittedly recovered from the roof of the said house. It is stated that a bare perusal of the counter affidavit filed in the present case would show that no material has been brought on record to show the connivance of the petitioner in the alleged occurrence, hence it is submitted that the respondent authorities be directed to release the aforesaid house in favour of the petitioner.

4. Per contra, the Ld. counsel for the respondent-State has submitted that after passing of the aforesaid order dt. 17.7.2025, the final order dated 11.9.2025 has been passed by the Ld. court of Deputy Collector Land Reforms, Marhaura, Saran in Excise Confiscation Case No. 118 of 2024 and the house in question has been confiscated as also it has been directed that the same be registered as a government land under the provisions of the Bihar Land Special Survey and Settlement Act, 2011.

5. At this juncture, the learned counsel for the



petitioner submits that since the said order dated 11.09.2025 has not been challenged in the present proceedings, the petitioner be granted liberty to challenge the same by filing appropriate appeal under Section 92 of the Act, 2016, however submits that the aforesaid issues be directed to be considered and the appeal be directed to be disposed off within a stipulated time frame. Liberty so sought is granted.

6. It is needless to say that in case appropriate appeal is filed by the petitioner within a period of two weeks from today, the appellate authority shall consider the same on merits as also take into account the aforesaid submissions made by the learned counsel for the petitioner and pass a reasoned and a speaking order on merits, without being impeded by the issue of limitation, within a period of four weeks, thereafter.

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

(Mohit Kumar Shah, J)

(Alok Kumar Pandey, J)

Nilmani/-

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