

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15688 of 2023

Binod Kumar @ Vinod Kumar Son of Sita Sah, Resident of village - Patahi Jaganath, Police Station - Sadar, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Excise Department, New Secretariat, Patna.
2. The Principal Secretary Excise Department, Government of Bihar New Secretariat, Patna.
3. The Collector-cum-District Magistrate, Muzaffarpur.
4. The Superintendent of Police, Muzaffarpur.
5. The Circle Officer, Bochahan, Muzaffarpur.
6. The Excise Superintendent, Muzaffarpur.
7. The Officer-in-charge, Bochahan Police Station, District - Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur, Advocate
For the Respondent/s : Mr.Kumar Manish (Sc5)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL JUDGMENT

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

Date : 08-11-2023

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

“A) For issuance of writ/writs, order/orders, direction/directions, commanding the respondents to unseal the petitioner’s Cement Godown situated in village-Rudahan, P.S.-Bochahan, Distt-Muzaffarpur upon the land pertaining to Khata No. 109, Kheshra No. 10, Area-5400 Sq.fit, which has been sealed in connection with Bochahan P.S. Case No. 318/2023, registered for offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018



without any purpose and even contrary to the provisions of law.

B) For any other relief/reliefs to which the petitioner is found entitled for under the facts and circumstance of the present case.”

2. The subject matter of premises, namely, Khata No. 109, Kheshra No. 10 about 5400 Sq. ft., cement godown situated in village - Rudahan, P.S. - Bochahan, District – Muzaffarpur is stated to be involved for the offences under the Bihar Excise Act, 2016. It is reliably learnt that about 279 litres of foreign liquor was seized from the aforementioned godown and it has been seized. The present petition is for de-sealing.

3. Learned counsel for the State-respondent submitted that having regard to the huge quantity seized and it is not appropriate for this Court to direct for de-sealing the premises. Further, it is also pointed out that confiscation proceedings is under going.

4. Having regard to the facts and circumstances and the fact that petitioner has submitted representation on 05.10.2023, there is no action on the part of the concerned respondent. At the same time, petitioner has remedy under Rule 12-B of Bihar Prohibition & Excise (Amendment) Rules, 2022. However, the petitioner is required to submit application in the prescribed form in respect of de-sealing of seized premises under the



aforementioned provision. Therefore, the petitioner is hereby directed to approach the concerned authority while making application under the Rule 12-B of Bihar Prohibition & Excise (Amendment) Rules, 2022. If such application is submitted before the competent authority, the competent authority is hereby directed to take note of all the factual materials and proceed to pass order and communicate the same to the petitioner within a reasonable period of three weeks from the date of receipt of petitioner's application under Rule 12-B of Bihar Prohibition & Excise (Amendment) Rules, 2022.

5. At the same time, the competent authority is hereby directed to expedite the confiscation proceedings in the light of relevant provisions of Bihar Excise Act, 2016 read with Bihar Prohibition & Excise (Amendment) Rules, 2022.

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

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

abhishekk/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.11.2023
Transmission Date	NA

