

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12846 of 2025

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Chhote Lal Manjhi, S/o Late Santlal Manjhi @ Late Santram Manjhi, R/o
village- Duramatta, P.S. - Harpur, District- Munger.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Excise Department,
Government of Bihar, Old Secretariat, Patna.
2. The Assistant Commissioner (Excise), Munger.
3. The Collector-cum-District Magistrate, Munger.
4. The Superintendent of Police, Munger.
5. The District Supply Officer (Excise), Munger.
6. The Circle Officer, Sangrampur, Munger.
7. The SHO, Harpur Police Station, District- Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad, Advocate
For the Respondent/s : Mr.Rajesh Kumar, AC to G.P.3

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 14-08-2025

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

*“I. For issuance of writ of mandamus
and any other appropriate writ or writs,
order/orders, direction/directions to the
respondent’s authority to release the
premises/room/house of the petitioner bearing*



Mauza – Durmatta, Thana No. 336, Khata No. 336, Khesra No. 517, area 0-2.5 decimal, wherefrom it is alleged to be the recovery of 5 liters of illicit country-made wine.

II. For setting aside the order dated 16.02.2024/11-12-2024 passed in Excise premises Confiscation Case No. 394/2023-24 passed by the District Magistrate, Munger arising out of Harpur P.S. Case No. 73/2023 dated 3.09.2023 u/s 30(a) of Excise Act, by which the learned District Magistrate, Munger has directed to pay Rs. 10,20,00/- (One Lakh two thousand only) fine for release of sealed Premises/room and deposit it in the office of Assistant Commissioner, Prohibition of Alcohol, Munger and obtain receipt.

III. For further direction/directions to waive the fine imposed upon the petitioner as a penalty as per Bihar Excise Amendment Act, 2016 (Amended on 2018/2022) as the petitioner belongs to a lower stratum of the society and has no other land except the present one.

IV. For any other appropriate



order/orders and direction/directions befitting to the petitioner in the larger interest of natural justice.”

2. Briefly stated the facts of the case is that there is alleged recovery of 05 litres of illicit liquor from the house of the petitioner. On the basis of aforesaid fact, Harpur P.S. Case No. 73/2023 dated 03.09.2023 was registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. It is submitted by learned counsel for the petitioner that alleged place of occurrence is a dwelling house in which all family members of petitioner are residing. The seizure list has been made without following the rule of search. The recovery of illicit liquor is only 5 litres which is a meager quantity.

4. Considering the small quantity of liquor, the concerned authority is hereby directed to collect fine of Rs. 10000/-(Ten Thousands) and unseal the house of the petitioner within a period of one week from the date of receipt of this order, for which petitioner has no objection.

5. We are conscious recovery is meager quantity and the aforesaid order has been passed while invoking extraordinary jurisdiction under Article 226 of the Constitution of



India for the reasons that unnecessarily petitioner shall not be subjected to various proceedings like Rule of 12A of the Bihar Prohibition and Excise Rules, 2021 read with amended sub Rule 2 of Rule 12A in the year 2022 and 2023, Sections 58, 92 and 93 of the Bihar Prohibition and Excise Act, 2016, for an issue of 05 litres of illicit liquor and such order is required to prevent the multiplicity of proceeding in the interest of justice.

6. Accordingly, the writ petition stands disposed of.

(P. B. Bajanthri, J)

(G. Anupama Chakravarthy, J)

manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.08.2025
Transmission Date	NA

