



IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1717 of 2025

Pappu Rai S/o- Mohan Ray, R/o village- Sukmarpur Jafrabad Tok,
Arazibeshinao Barar, P.S.- Raghobpur, District- Vaishali, BR-844503.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration, Excise and Prohibition, Government of Bihar, Patna.
2. The District Magistrate, Vaishali District- Vaishali
3. The Senior Deputy Collector-cum-Confiscation Authority, District- Vaishali, Bihar
4. That Superintendent of Police, Vaishali, District- Vaishali.
5. The Station House Officer Raghobpur, P.S.-Raghobpur District-Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Prashant Kumar, Adv Mr. Pramod Kumar Yadav, Adv Mr. Sumit Kumar, Adv
For the Respondent/s	:	Mr. Standing Counsel (23)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

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

2 19-03-2025 In the instant petition, petitioner has prayed for the following reliefs:-

“(i) For setting aside order dated 03.06.2024 passed by learned Special Exclusive Judge Prohibition and Excise Act, (Second)-cum-Additional District and Session Judge Hajipur, Vaishali whereby and whereunder the learned Special Exclusive Judge Prohibition and Excise Act, (Second)-cum-Additional District and Session Judge





Hajipur, Vaishali has been pleased to refuse to release the cash (notes) Rs. 6,18,300/-(six lakh eighteen thousand three hundred) rupee and coin 966.66 kg seized in connection with Raghapur (Rustampur O.P.) P.S. Case No. 246/2023;

(ii) For restraining the respondents from taking any coercive action in connection with Raghapur (Rustampur O.P.) P.S. Case No. 246 of 2023 dated 14.10.2023 instituted under Section 414 of the Indian Penal Code read with Section 30(A)/30 (c) of the Bihar Prohibition and Excise Act, 2018;

(iii) For any such other relief or reliefs to which the petitioner may be found entitled encourse of hearing of this writ application.”

2. Grievance of the petitioner is *prima-facie* premature in view of Section 56 of Bihar Prohibition and Excise Act, 2016, which reads as under:-

“56. Confiscation of Seized Items.- (1) *Notwithstanding anything contained in Section 57B, whenever an offence punishable under this Act, is committed, the Collector or an officer authorized by him may confiscate such items based on the report of the investigating officer.*





*(2) Such items may include -
(1) any premises or part thereof;
(ii) any animal, vehicle, vessel or conveyance;
(iii) any liquor or intoxicant;
(iv) any other item having bearing with the case;*

Provided, where things as mentioned in Section 57 are to be destroyed, then the Collector or an officer authorized by him need not confiscate the same before their destruction.

(3) The State Government may issue necessary direction, guidelines, regulations and instructions with respect to the mode and manner of search, seizure, destruction and confiscation.”

Underline supplied.

3. Seizure of the petitioner's case would fall under Section 56 (2) (iv), any other item having bearing with the case. Seizure of cash in the light of offences under the Excise Act is required to be investigated and examined whether seizure of such cash is relating to any transaction of illicit liquor or not? If the seizure of amount is not involved for the offences under Excise Act, in that event, petitioner is entitled to refund/release of seized amount. In this regard, liberty is granted to the





petitioner to approach or invoke appropriate authority/forum at appropriate stage.

4. With the above direction, petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Sinha, J)

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