

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2129 of 2025**

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Mahendra Prasad Singh @ Mahendra Singh, son of Late Raghuvar Singh @ Raghuvar Prasad Singh, resident of Village- Jhaichak Parsa Bazar (Road no.), Jai Mahavir Colony, Sampatchak Mahendru, P.S., Parsa Bazar, District- Patna- 800001.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Excise and Prohibition Department, Government of Bihar, Patna having his office 176D, 1st floor, Vikash Bhawan, Bailey Road, Patna, Bihar - 800015.
2. The Excise Commissioner, Bihar Excise, Patna.
3. The Divisional Commissioner, Magadh Division, Patna.
4. The District Magistrate-cum-Collector, Patna.
5. The Superintendent of Excise, Madh Nishedh Bihar, Patna.
6. The S.H.O. of Excise, P.S. Patna.
7. The Investigating Officer, Excise and Prohibition Case no. 1217/2024, Namely Devendra Singh, S.I. Excise and Prohibition, P.S. Patna, District Patna.
8. Shri Randhir Kumar, Son of Late Umesh Prasad @ Umesh Prasad Nitrala, Resident of Mohalla - Sandalpur, Near Devi Sthan, Mahendru, P.S. Bahadurpur, District- Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Shekhar Kumar Singh  
For the Respondent/s : Mr. Standing Counsel (13)

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE**  
**And**  
**HONOURABLE MR. JUSTICE S. B. PD. SINGH**  
**CAV JUDGMENT**  
**(Per: HONOURABLE MR. JUSTICE S. B. PD. SINGH)**

**Date : 01-09-2025**

Heard the parties.

2. The petitioner has filed the instant writ petition



seeking following reliefs :-

*“(i) For issuance of writ/writs, order/orders, direction/directions in the nature of Mandamus seeking directing the respondents S.I. Madh Nishedh Excise, P.S., Patna, so that to immediately release the seized ground floor building, which was earlier given on rent to respondent no. 8, on rent each month Rs. 1500/- total area 300 sq. feet ground floor building of the petitioner, which was earlier on rent utilized by the respondent no. 8, namely, Shri Randhir Kumar but the same room was seized by the S.H.O. of Excise P.S., Patna in connection with Prohibition case no. 1217/2024, dated 21.05.2024 registered under Sections 30(A), 32 and 56(B) of Bihar Prohibition and Excise Act, 2016 and (Amendment) Act, 2022, which was illegally seized by the police.*

*(ii) For further prayed for directing the respondent to immediately release the ground floor of building house of the Bihar, which was earlier seized by the police in Excise Case but the petitioner is being the house owner of the said premises, which was used by the respondent no. 8 after agreement on rent.*

*(iii) For further directing the respondent*



*not to freeze/seize the house of the petitioner which is subject matter of Excise Case which was seized by the S.H.O. of Excise P.S., Patna but that property which was utilised by the tenant that is respondent no. 8, so far, the petitioner was given the said property ground floor house on a rent on the basis of an agreement dated 01.10.2023, and in the said ground floor there is a water logging, because in the said premises the respondent no. 8 have kept some goods items, therefore, in view of the under Section 45 of the Cr. P. C., the said building order for custody and disposal property pending trial in certain cases must be released in favour of the petitioner, because the petitioner has got no knowledge about the said building, which was used by the tenant respondent no. 8 and doing some illegal business having without knowledge of the petitioner.*

*(iv). For further any other relief/reliefs, order/orders/direction/directions may deem fit and proper in the facts and circumstances of this case.”*

3. Prosecution case in nutshell is that police party was stationed near Gai Ghat, in front of Durga Mandir, for



routine checking and inspection of vehicles. During the operation, a green-coloured tempo approaching from Kumhrar was intercepted. Upon noticing the police, the driver attempted to flee; however, after a brief chase, the police apprehended the driver along with the tempo on the spot. Although a crowd gathered at the scene, no member of the public was willing to act as a witness to the search. Subsequently, two individuals—Archana Kumari and Mohijit Kumar—volunteered to witness the search proceedings. In their presence, the police searched the tempo and discovered a blue-coloured plastic jar (jarkin) wrapped in a bed sheet, concealed beneath the backseat. A strong odor was emanating from the jar, which aroused suspicion. It is further alleged that upon strict interrogation, the apprehended person identified himself as Shankar Kumar Verma, son of Narain Prasad Verma, resident of Village Bajrangpur, Ward No. 54, P.S. Alamganj, District Patna. He confessed that the liquid in the jar was spirit and that he had been transporting it from Jai Vihar Colony to Jethuli in the said tempo. He further disclosed that the jar had been handed over to him by Dr. Randhir Kumar, a



homeopathic doctor, with instructions to deliver it to Upendra Rai, a local liquor businessman. It is further alleged that the accused also admitted that he had been involved in such deliveries on multiple occasions, acting under the instructions of Dr. Randhir Kumar. Acting on this disclosure, the police raiding team proceeded to Jai Mahavir Colony, Ward No. 47, Road No. 3, where they located a four-storey building. Upon entering the basement, they discovered a large quantity of plastic jars containing homeopathic medicines and raw materials used in their preparation. A seizure list was prepared on the spot in the presence of local witnesses. Further, Shankar Kumar Verma informed the police that he had been delivering these materials to various locations on the instructions of Dr. Randhir Kumar. When attempts were made to contact the doctor, he could not be reached out. At the scene, Neha Kumari, daughter-in-law of the building's owner and a resident therein, informed the police that Dr. Randhir Kumar had taken the basement of the building on rent and had been operating from there. She confirmed that a rent agreement had been executed between them for the period



01.10.2023 to 30.08.2024, although she was unable to produce a copy of the agreement at the time of the raid, stating it was not in her possession. She also stated that Dr. Randhir Kumar frequently visited the premises using the same green tempo and had just left shortly before the police arrived. She tried contacting him via phone, but his mobile remained switched off. Based on the recovery and the confession of the arrested person, the informant made/filed a written application before the Officer-in-charge, Excise P.S., Patna for institution of a criminal case against the arrested accused and others involved in the alleged illegal activities. On that basis, Prohibition Case No. 1217/24 dated 21.05.2024 was registered.

4. Further case of the petitioner is that he was very cautious about the use of premises given on rent and clear stipulation has been made in the agreement that the tenant would not do any illegal work in the godown and would follow the laws and regulations of the government and in case of any failure, the tenant was to be solely liable for the consequences. Thereafter, the petitioner came to know that ground floor of the aforementioned building had been



sealed by the police following registration of a case under Bihar Prohibition and Excise Act since the recovery of homeopathic medicine was made from ground floor of his building. On further inquiry, the petitioner came to know about registration of Prohibition Case No.1217 of 2024 under Section 30(a), 32 and 56(B) of Bihar Prohibition & Excise (Amendment) Act, 2018 on 21.05.2024 against him, his tenant Randhir Kumar and other co-accused persons.

5. The learned counsel appearing on behalf of the petitioner submitted that from bare perusal of the FIR, it is evident that the name of the petitioner transpired in the present case only for the reason that he is the owner of the said building from where the alleged recovery has been made. The premises in question was given on rent is not in dispute. There is not even iota of evidence which could suggest that the petitioner was facilitating the culprit or providing access for storage of incriminating articles. Either directly or indirectly, he has not contravened Section 30 of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act') and for this reason his premises is not liable to be confiscated under Section 56 of the Act. The



learned counsel further submitted that the petitioner had given the said house on rent much prior to the alleged incident and for this reason, no case would be made out against the petitioner as he was not in possession of any incriminating article in contravention of any provisions of the Act and neither he was having any knowledge of running of illegal business by the tenant Dr. Randhir Kumar. When the petitioner has been able to satisfy the authorities that the premises in question was let out on rent and nothing came on record suggesting the knowledge of the petitioner about the storage of several types of Homeopathic medicines in the premises in question, seizure of premises of the petitioner appears to be arbitrary, unreasonable and illegal. The aforesaid authorities did not take into consideration the rights of the petitioner under Article 19 (1) (g) and Article 300 (A) of the Constitution of India whereunder the petitioner has a right to own the property and he has further got right to carry on any occupation, trade or business. The action of the authorities is arbitrary, unreasonable and shows complete non-application of mind when the fact was crystal clear that the



premises owned by the petitioner was undisputedly being used by the tenant under a valid deed of agreement. Thus, the learned counsel submitted that the instant writ petition may be allowed and the relief sought by the petitioner may be granted to him.

6. *Per contra*, the learned counsel for the respondents submitted that petitioner is named in the FIR and recovery of incriminating article was made from the premises owned by the petitioner. Section 56 of the Act makes it amply clear that 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 and such items may include any premises or part thereof. Since the recovery of incriminating article has been made from the premises in question, it is immaterial whether the said premises was on rent and the offence becomes place specific. The learned counsel further submitted that Section 57 (B) of the Act read with Rule 12 (B) of Bihar Prohibition and Excise Rules, 2021 provides for release and unsealing of premises or part thereof upon payment of such penalty as ordered by



the authorities. Thus, the learned counsel submitted that there is no merit in the instant writ petition and the same be dismissed.

7. Perused the record.

8. Before advertng to the case, certain provisions of law need to be considered.

9. Section 30 of the Act provides as under :

***“30. Penalty for unlawful manufacture, import, export, transport, possession, sale, purchase, distribution, etc. of any intoxicant or liquor. - Whoever, in contravention of any provision of this Act or of any rule, regulation, order made, notification issued thereunder, or without a valid license, permit or pass issued under this Act, or in breach of any condition of any license, permit or pass renewed or authorization granted thereunder –***

*(a) Manufactures, possesses, buys, sells, distributes, collects, stores, bottles, imports, exports, transports, removes or cultivates any intoxicant, liquor, hemp; or*

*(b) Constructs or establishes or works in any manufactory, distillery, brewery or warehouse; or*



*(c) Manufactures, uses, keeps or has in his possession any material, utensil, implement or apparatus, or uses any premises, whatsoever, for the purpose of manufacturing any intoxicant or liquor; or*

*(d) Manufactures any material or film either with or without the State Government logo or logo of any State or wrapper or any other thing in which liquor or intoxicant can be packed or any apparatus or implement or machine, for the purpose of packing any liquor or intoxicant; or*

*(e) Removes any liquor or intoxicant from any distillery, brewery, warehouse, other place of storage licensed, established, authorized or continued under this Act; or*

*(f) Manufactures, possesses, sells, distributes, bottles, imports, exports, transports or removes, any preparation made with or without the use of any intoxicant or liquor, which can serve as an alcohol or a substitute for alcohol and is used or likely to be used or consumed for the purposes of getting intoxicated;*

*shall be punishable with imprisonment for the term which may extend to life and*



*with fine which may extend to ten lakh rupees.*

*Provided that the punishment:*

*(a) For the first offence shall not be less than five years imprisonment and fine of not less than one lakh rupees, and*

*(b) For the second and subsequent offences shall not be less than ten years rigorous imprisonment and fine of not less than five lakh rupees”.*

10. Further Sections 56, 57 B and 58 of the Act provide 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-*

*(i) 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.*

**57B.** *Things or premises liable to be released upon penalty.- (1) Any animal, vehicle, vessel or other conveyance used for committing any offence punishable under this Act that has been seized by any police Officer or Excise Officer may be released by the Collector upon payment of such penalty as may be notified by the State Government.*

*2. Any premises or part thereof used for committing any offence punishable under this Act that has been seized by any police Officer or Excise Officer may be released by the Collector upon payment of such penalty as may be notified by the State Government.*

*(3) If the person concerned does not pay the penalty, then the Collector shall*



*proceed to confiscate the said animal, vehicle, vessel or other conveyance and premises as per Section-58.*

**58. Confiscation by District Collector.** - (1) *Notwithstanding anything contained in this Act or any other law for the time being in force, where anything liable for confiscation under this Act is seized or detained under the provisions of this Act, the officer seizing and detaining such property shall, without any reasonable delay submit a report to the District Collector who has jurisdiction over the said area;*

(2) *On receipt of the report under subsection (1), the District Collector if satisfied that an offence under this Act has been committed, may, whether or not prosecution is instituted for the commission of such an offence and whether or not a case is pending before any court, order confiscation of such property;*

(3) *The Collector shall, before passing an order under subsection (2), give a reasonable opportunity to the person concerned, of being heard;*

(4) *While making an order of*



*confiscation under sub-section (2), the District Collector may also order that such of the properties which the order of confiscation relates, which in his opinion cannot be preserved or are not fit for human consumption, be destroyed. Whenever any confiscated article has to be destroyed in conformity with these provisions, it shall be destroyed in the presence of an Executive Magistrate or officer ordering the confiscation or forfeiture, as the case may be, or in the presence of the Excise Officer not below the rank of a Sub Inspector;*

*(5) While making an order of confiscation under sub-section (2), if the District Collector is of the opinion that it is expedient in the public interest to do so, he may order the said property or any part thereof to be sold by public auction or dispose of departmentally and proceeds deposited with the State Government;*

*(6) The District Collector shall submit a full report of all particulars of confiscation to the Commissioner of Excise within one month of such confiscation”.*

*14. Rule 12 B, 13 B and 14 of the*



*Bihar Prohibition and Excise Rules, 2021 which came into effect on 27.09.2021, read as under :*

**“12B. Release of Premises on Payment of Penalty:** - (1) *If any premises or part thereof has been seized or sealed by any police or excise officer under the Act, then in terms of section-57B (2) of the Act, the Collector or an officer authorized by him, upon receipt of an application in Form V from the owner of the said premises, may release or unseal the said premises or part thereof upon payment of such penalty as may be ordered by the Collector or the officer authorized by him.*

*Provided, where it is not possible to ascertain the owner of the premises or the owner is not coming forward, the Collector or the officer authorized by him shall, after waiting for 15 days from the date of seizure/sealing, proceed to confiscate the premises as per the provisions of the Act.*

(2) *The Collector or the officer authorized by him shall have due regard to the economic status of the individual, nature of his involvement in the crime, location of the premises and the quantum*



*of intoxicant recovered while deciding the quantum of fine to be paid by the individual. However, the fine shall not be less than Rs. one Lakh in any case.*

*In any case, the Collector shall not wait beyond 15 days from the date of seizure/sealing and if during this period, the accused/owner does not pay up the penalty he shall proceed with the confiscation/auction.*

*(3) Notwithstanding above, if on a report by police officer or excise officer, the Collector or the officer authorized by him is satisfied that releasing the premises shall not be in the public interest, the Collector or the officer authorized by him shall proceed ahead with the confiscation of the said premises or part thereof and its subsequent auction/disposal.*

*(4) Such penalty shall be, regardless of the outcome of the trial if any, before the Special Court, non-refundable.*

*(5) The owner of the Premises shall, after the release of the premises, allow the inspection of the premises as and when desired by the authorities.*

**13B. Procedure of confiscation of Premises:** - (1) Where it is decided by the



*Collector that the premises is not to be released on penalty or where the owner does not pay the required penalty, the confiscation proceeding shall be initiated. The proposal for confiscation of the premises shall be sent by the police/excise officer to the Collector (or an officer authorized by him) within 30 days from the date of seizure/sealing. The officer concerned shall immediately start the confiscation proceeding.*

*In case of delay of beyond 30 days, in submission of the proposal for confiscation, the police/excise officer will have to explain the delay.*

*(2) The officer concerned, on receipt of proposal of confiscation of any premises or part thereof or any property liable for confiscation from police/excise officer, shall issue show cause notice to the owner(s) of the premises or property. Simultaneously, he shall issue notice to the Chemical Examiner and/or such revenue officers for their reports.*

*(3) Such notice issued by the officer shall be served as per procedure prescribed in the Code of Criminal Procedure, 1973 for service of summons.*



*(4) The officer shall provide reasonable opportunity of hearing to the owner(s) of the premises or property. The investigating/inquiry officer shall also be given opportunity to participate in such hearing.*

*(5) If the person to whom notice has validly been served fails to appear in the proceeding on two consecutive dates fixed for hearing, the confiscating authority shall proceed to pass the order ex-parte.*

*(6) The officer shall, after hearing the parties, pass appropriate order of confiscation or unsealing, as the case may be, with respect to sealed/seized premises or property on the basis of his satisfaction whether an offence has been committed or not in terms of the Act.*

*(7) The officer shall ensure that the order for confiscation is passed within 90 days from the date of seizure/sealing of the premises.*

*(8) Any person aggrieved by the order passed by the Collector under the provisions of the Act may file appeal in the manner prescribed under these rules.*

**14. Auction or Destruction of Seized/Confiscated items:** -The items



*seized/confiscated by the Collector or any officer authorized by him may be disposed of by him, either by auction or by destruction, in the following manner: -*

*(1) If the Collector or the officer authorized by him, is satisfied that any seized article, is liable to speedy and natural decay or is of trifling value or can be put to misuse or endangering public safety or occupying public space, he may, in exercise or power under Section 57 and Section-57A of the Act, order for destruction of the same at any time before passing the order of confiscation. The Collector or the officer concerned shall ensure that any seized liquor should not be allowed to remain stored for a very long time. He shall ensure that the said liquor is destroyed within 15 days of its seizure after having obtained the report of the chemist.*

*(2) The confiscated animal/ vehicle/ vessel/ other conveyance premises or part thereof shall be put to public auction and sold to the highest bidder within a period of one month from the date of attainment of finality of order of the confiscating authority or such extended period as*



*deemed fit by the Collector/authorized officer or may be put government use in the manner prescribed*

*(3) Before the auction, the Collector or the officer may cause the valuation of the vehicle/conveyance/premises. He shall then invite bid through public advertisement in at least one local/vernacular newspaper. Where he does not receive any offer for a particular item in the first attempt of auction, he may invite bids again. If, after three such attempts, he does not receive any bid, he may dispose of the said vehicle/conveyance on an "as is where is" basis regardless of the valuation".*

11. From bare reading of the aforesaid provisions, it seems that whenever offence punishable under this Act has been committed, any premises or part thereof used for committing any offence might be seized/confiscated and released upon penalty. It leaves no doubt that a premises can be seized and even confiscated and auctioned merely upon its involvement in any offence under the Act. This is indeed a draconian provision and so it must be used with complete



circumspection. The existing provisions of the Act gives unfettered and unguided and arbitrary powers to the authorities. In the absence of any specific guidelines, such powers can be abused or misused and such powers can be exercised arbitrarily insofar as alleged proven charge and commensurate penalty could be seen in the better legislation- like provisions of Criminal Procedure Code read with Indian Penal Code, where the sentence/conviction is proportionate to the proved charges.

12. We have noted some disturbing trends with regard to the aforesaid provisions. Though the Act talks about necessary directions, guidelines, regulations, instructions to be issued by the State Government with respect to mode and manner of search and seizure, destruction and confiscation, we have provisions only under Section 57 B of the Act and Rules 12 B, 13 B and 14 of the Bihar Prohibition and Excise Rules, 2021 to meet such situations. These provisions are clearly insufficient and authorized officers are very likely to misuse the provisions and the decisions are taken arbitrarily.

13. Coming back to the provisions of the Act, there



is no subjective assessment under Section 56 of the Act regarding involvement of the premises and the hardship which will be faced by the persons apparently without any fault of their own. Let us take certain examples to make issue clear. As in the present case, the premises was given on rent and apart from the tenant/lessee, the owner has been made accused. We can take another example of the joint family owned premises. Suppose a person of the joint family keeps a bottle of liquor in the premises without knowledge to other inmates, will that premises be seized and sealed and confiscation proceeding will be started ousting all the inmates of joint family property simply on the ground that the law provides so? Third example could be taken of a government quarter. If any recovery is made from a government quarter, will the State come forward and seize/seal/confiscate and auction the property? Then another issue which is to be considered is that there is no subjective relationship between the quantity of liquor seized and the premises sealed or the penalty imposed as we could decipher from the aforesaid provisions. Even the Rules, though provide for taking into consideration economic



status of the individual, nature of his involvement in the crime, location of the premises and quantum of intoxicant recovered while deciding the quantum of the fine, yet the Rules also provide that the fine shall not be less than Rs. one lakh. This is simply absurd as to whether there is recovery of 100 ml. of intoxicant or 1,00,000 liters, minimum fine shall be Rs. one lakh. The provisions of law discussed here-in-before even give complete discretion to the confiscating authorities with regard to imposition of penalty since no guidelines have been provided. This may create anomalous situation as the jurisdictional authority in one area, in similar circumstances, may impose a lesser penalty, whereas for the same act, the jurisdictional authority in another area may impose higher penalty.

14. Enactment of law and rules in such manner may make such laws and rules arbitrary and the same goes against the spirit of Article 19 (6) of the Constitution which provides as under :

*“19(6) Nothing in sub-clause (g) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in*



*the interests of the general public, reasonable restrictions on the exercise of the right conferred by the said sub-clause, and, in particular, nothing in the said sub-clause shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to,—*

*(i) the professional or technical qualifications necessary for practising any profession or carrying on any occupation, trade or business, or*

*(ii) the carrying on by the State, or by a corporation owned or controlled by the State, of any trade, business, industry or service, whether to the exclusion, complete or partial, of citizens or otherwise”.*

15. Further, the Hon’ble Apex Court in the case of Romesh Thappar v. State of Madras, reported in 1950 SCC 436, considered the possibility of law concerned being applied in unconstitutional manner and held such law be declared void.

16. Further, the Hon’ble Apex Court in the case of E.P. Royappa vs. State of Tamil Nadu and another, reported in AIR 1974 SC 555 held in paragraph 85 as under :



*“85. ...Articles 14 and 16 strike at arbitrariness in State action and ensure fairness and equality of treatment. They require that State action must be based on valid relevant principles applicable alike to all similarly situated and it must not be guided by any extraneous or irrelevant considerations because that would be denial of equality. Where the operative reason for State action, as distinguished from motive inducing from the antechamber of the mind, is not legitimate and relevant but is extraneous and outside the area of permissible considerations, it would amount to mala fide exercise of power and that is hit by Arts. 14 and 16. Mala fide exercise of Power and arbitrariness are different lethal radiations emanating from the same vice : in fact the latter comprehends the former. Both are inhibited by Arts. 14 and 16. It is also necessary to point out that the ambit and reach of Articles 14 and 16 are not limited to cases where the public servant affected has a right to a post. Even if a public servant is in an officiating position, he can complain of violation of Arts. 14 and 16 if he has been arbitrarily or unfairly treated or subjected to mala fide exercise of power by the State machine. It is, therefore, no answer to the*



*charge of infringement of Articles 14 and 16 to say that the petitioner had no right to the post of Chief Secretary but was merely officiating in that post. That might have some relevance to Art. 311 but not to Articles 14 and 16. We must, therefore, proceed to consider whether the transfer of the petitioner first to the post of Deputy Chairman and then to the post of Officer on Special Duty was arbitrary, hostile and in mala fide exercise of power. What was the operative reason for such transfer: was it the exigencies of public administration or extra administrative considerations having no relevance to the question of transfer? Was the transfer to the post of Deputy Chairman or Officer on Special Duty so irrational or unjust that it could not have been made by any reasonable administration except for collateral reasons? These are the questions which call for our consideration”.*

17. Though, these observations have been made in different context, yet the underlying principle remain the same. There cannot be any arbitrariness in the matter of state policy and principles.

18. Further, the Hon’ble Supreme Court held in the



case of Menka Gandhi Vs. Union of India, reported in (1978) 1 SCC 248, that every law has to be just, fair and reasonable; otherwise it will be considered unconstitutional.

19. Thus, the provisions of law as framed under the Act does not appear to be perfect law and suffers from a number of infirmities. However, since the provisions of Act or the Rules framed therein are not in challenge, we refrain ourself from making any further comments on the provisions under the Act.

20. Coming back to the facts of the present case, undisputedly the premises in question was let out on rent (Annexure-P-1). The said lease deed was prepared for 11 months between the parties which was effective from 01.10.2023 to 30.08.2024 and this period covers the alleged date of occurrence, pertaining to this case. So, the petitioner could not be made to suffer for being the landlord/owner of the premises in question if recovery of some intoxicant materials have been made without his knowledge or intention.

21. Accordingly, the respondent authorities are directed to release the house of the petitioner henceforth



which was seized in connection with Prohibition Case No.  
1217 of 2024.

22. The writ petition is accordingly allowed.

**( S. B. Pd. Singh, J)**

**(P. B. Bajanthri, ACJ)**

Shageer/-

AFR/NAFR	AFR
CAV DATE	25/07/2025
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