

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.283 of 2025

Arising Out of PS. Case No.-411 Year-2023 Thana- Excise P.S. District- Muzaffarpur

Sanjeev Kumar Singh Son of Ram Janm Singh Resident of Sumitra Sadan.
Village Adarsh Gram, Road No.-1, Kolhua, Paigambarpur, PS Ahiyapur,
District Muzaffarpur, at present residing at 286, Race Course Road,
Coimbatore, Soufi, Coimbatore, Tamilnadu-641018.

... .. Petitioner/s

Versus

1. The State of Bihar through The Home Secretary, Old Secretariat, Patna Bihar
2. The Dist. Magistrate, Muzaffarpur Bihar
3. The Superintendent of Police, Excise, Muzaffarpur Bihar
4. SHO, Excise, P.S.- Muzaffarpur Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s

: Mr. Gouranga Chatterjee, Sr. Advocate
Mr. Nilanjan Chatterjee, Advocate
Mr. Sahil Kumar, Advocate
Mr. Vijawal Raj, Advocate
Mr. Anirvan Choudhuri,

Advocate For the Respondent/s :

Mr. S.D. Yadav, A.A.G.9
Mr. Braj Bhushan Mishra, AC to AAG 9

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 30-06-2025

Heard the parties.

2. By way of this writ application, the petitioner has
prayed for the following reliefs:-

*a. For issuance of order/direction/Writ
in the nature of Writ of Certiorari quashing the
confiscation case no 54 of 2023 -24 arising out of
Muzaffarpur Excise P.S. Case no. - 411 of 2023
under section 30(a), 32(c) of The Bihar Prohibition
and Excise Act pending before the District*



Magistrate, Muzaffarpur.

b. For order/direction/Writ in the nature of Writ of Mandamus directing the respondents to open the lock of the house of the petitioner after the quashing of the confiscation proceeding and to hand over the possession of the house to the petitioner.

3. As per the prosecution case, on 25.02.2023, Sri Abhinav Kumar, Inspector-cum-S.H.O. Excise Police Station, Muzaffarpur recorded his own statement on 24.02.2023 alleging therein that he received secret information that in a white colored newly constructed house under Ahiyapur police station, foreign made liquor have been stored by one Munna Sahani and Jisu Kumar and both of them, in connivance with the guard of the said house, stored the liquor in the house. On the information, the informant with his party reached the place of occurrence for enquiry and they found that the main gate of Sumitra Sadan was locked and there was no person present inside the house. Seeing the police, two persons fled away on a motorcycle and thereafter a constable was asked to look inside the house through the grill and in torch light, the cartoons of foreign liquor were seen. Thereupon, the police broke open the lock and entered into the house and recovered 17.64 litter of



foreign liquor.

4. Pursuant to the order of this Court dated 19.06.2025, the SHO of Excise Police Station, Muzaffarpur has appeared in this Court today.

5. It has been submitted by the learned counsel for the petitioner that the petitioner is the landlord of the house in question from which there was recovery of 2.5 cartoons of illicit liquor and the same was kept by the caretaker of the house and the petitioner, who is the owner of the house had no knowledge about it and therefore he has been exonerated by the police during investigation.

6. In these circumstances, this Court is of the view that the house of the petitioner cannot be confiscated or kept under lock.

7. Accordingly, this application is allowed and the Confiscation Case No. 54 of 2023-24 arising out of Muzaffarpur Excise P.S. Case no. - 411 of 2023 is hereby quashed.

8. The respondents are directed to unlock the house of the petitioner.

9. As this case has been disposed of, the personal appearance of the SHO of Excise Police Station, Muzaffarpur is dispensed with.



10. Let a copy of this order be communicated to the District Magistrate, Muzaffarpur through FAX for its complainece.

(Sandeep Kumar, J)

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