

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.384 of 2026

Arising Out of PS. Case No.-36 Year-2025 Thana- MUFFASIL District- West Champaran

Sunil Sahani S/o Kailash Sahani, R/o Village- Jagarnathpur, Ward No.01, PS-
Muffasil Bettiah, Dist- West Champaran.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Registration and Bihar Prohibition and Excise Deptt., Govt. of Bihar, Patna
2. The District Magistrate-cum-Excise Confiscating Authority, West Champaran at Bettiah Bihar
3. The Superintendent of Police, West Champaran at Bettiah Bihar
4. The S.H.O. cum Police Inspector Bettiah Muffasil Police Station, Bettiah Bihar
5. The Investigation Officer-cum-Sub Inspector of Police, Bettiah Muffasil Police Station, Bihar

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad, Advocate
For the Respondent/s : Mr. S.C.24

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-07-2026

Heard learned counsels for the parties.

2. The present writ petition has been filed seeking

following reliefs:

“i) To issue writ/writs, order/orders, direction /directions including a writ in the nature of certiorari for quashing the letter no.2384/गोपनीय Bettiah dated 10.4.2025 has been issued to the learned court of Additional District and Sessions Judge-cum-Special Judge, Excise, West Champaran, Bettiah in context of डी० आर० संख्या- 875/2025 dated 10.4.2025 of the Police Inspector-cum-S.H.O., Muffasil police station, whereby and whereunder the Respondent no.4 the proposal has been submitted before the learned Additional District and Sessions Judge-cum-Special Judge, Excise, West Champaran, Bettiah



for passing the order under section 107 of B.N.S.S., 2023 against the petitioner that he has acquired the property through criminal activity under section 30(a) of Bihar Prohibition and Excise Act in Bettiah Muffasil P.S. case no.36 of 2025 dated 20.1.2025. As well as the Respondent no.4 has also requested that the order has been passed against the property of the petitioner for confiscated/legal attachment under section 107 of B.N.S.S., 2023.

(ii) To issue a writ/writs, order/orders, direction/directions including a writ in the nature of Mandamus directing the Respondent no.4 the police Inspector-cum-S.H.O., Bettiah police station that he has been taken action in accordance with law against the petitioner.

(iii) For granting any other relief/reliefs for which the petitioner may be found entitled in the facts and circumstances of the case.”

3. From bare perusal of the reliefs it appears that the matter is pending before the learned Additional Sessions Judge-cum-Special Judge, Excise, West Champaran, Bettiah, where application of respondent no. 3 is pending for confiscation of the property of the petitioner under Section 107 of the B.N.S.S., 2023. If the matter is already before the Special Court which is enjoined to put the petitioner on notice before taking any action for attachment of the property as sought for by the respondent no. 3, it seems the petitioner has approached this Court without waiting for the fate of proceeding before the learned Special Court, West Champaran, Bettiah. In other



words, the present writ petition is premature as well as misconceived as it seeks interference with judicial proceeding by this Court.

4. Faced with this situation, the learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to have recourse of law in appropriate proceeding.

5. Permission, as prayed for, is accorded.

6. Accordingly, the present petition is dismissed as withdrawn with liberty as aforesaid.

(Arun Kumar Jha, J)

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