

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4746 of 2026

Archana Wife of Uttam Kumar, Resident of Akhtiyarpur House, Near Old Arvind Mahila College, P.S.- Kadamkuan, District-Patna.

... .. Petitioner

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. 343/2024.
8. Shri Rakesh Kumar, Son of Vindeshwar Mahto, Resident of village-Hardaspur, P.S.- Shahpur Patori, (Mohanpur O.P.), District- Samastipur, Pin - 848506.

... .. Respondents

Appearance :

For the Petitioner	:	Ms. Adya Pandey, Advocate Mr. Shubham Kumar Upadhyay, Advocate
For the State	:	Mr. Kumar Pankaj, AC to SC-5

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

4 14-05-2026 Heard learned counsel for the petitioner and learned
AC to SC-5 for the State.

2. The petitioner in the present writ application is
seeking the following reliefs:-

“i. For issuance of appropriate writ(s),
order(s), direction(s) directing the
respondents to immediately release the
seized area of house of petitioner, which
was given on rent and was being utilized



by one Rakesh Kumar whereupon the same had been seized by the respondents in connection with Excise Patna P.S. Case No. 343 of 2024 registered under Section 30(a) and 56(b) of the Bihar Prohibition and Excise Act, 2016 and (Amendment) Act, 2022, whereas the petitioner had no knowledge of the illegal work that was being carried out by the Respondent No. 8.
ii. For further any other relief(s) that Your Lordships may deem fit and proper in the facts and circumstances of this case.”

3. Learned counsel for the petitioner submits that the petitioner is the owner of the house. The petitioner had vide a lease deed dated 13.04.2023 created a tenancy of two rooms, one bathroom and one kitchen on the upper floor in favour of the Respondent No. 8 for the period 13.04.2023 to 31.03.2024 at a monthly rent of Rs.12,000/-. Copy of the lease deed has been brought on record as Annexure ‘P/2’.

4. It is submitted that from the rented portion of the premises, 125.125 litres of liquor is said to have been recovered. On the basis of suspicion, the husband of the petitioner was apprehended on the spot, FIR has been registered and the premises has been sealed. The husband of the petitioner has been granted bail by this Court on 01.04.2024 in Criminal Miscellaneous No. 24318 of 2024.



5. Learned counsel submits that after institution of the criminal case, a confiscation proceeding has been started, notice has been issued to the petitioner and the petitioner is going to appear in the said confiscation case on the next date.

6. It is submitted that during pendency of the confiscation case, the sealed portion of the house may be allowed to be unsealed and for that purpose, the petitioner is ready to deposit appropriate penalty amount without prejudice to the rights and contention of the petitioner in the confiscation proceeding.

7. It is submitted that earlier in CWJC No. 14732 of 2022, this Court had been pleased to modify the order of confiscation, order of the appellate and revisional authorities when the entire house building was confiscated, subject to payment of a penalty of Rs.5,00,000/-. Learned counsel submits that considering that the portion of the house which is presently under seal is a small portion only, the same may be allowed to be unsealed on payment of the minimum penalty prescribed under the statute i.e. Rs.1,00,000/-.

8. Learned AC to SC-5 for the State does not dispute that on earlier occasion, the entire house was sealed and confiscated, however, the said order was modified by this Court



and the petitioner agreed to pay Rs.5,00,000/- as penalty in lieu of the confiscation.

9. Learned AC to SC-5 for the State submits that similar order may be passed even during pendency of the confiscation proceeding.

10. Having regard to the entire facts and circumstances and the submissions noted hereinabove, we direct unsealing of the premises in question on payment of a penalty of Rs.1,00,000/- (Rupees One Lakh) within a period of four weeks from today, subject to result of the confiscation proceeding.

11. This writ application is allowed to the extent indicated hereinabove.

(Rajeev Ranjan Prasad, J)

(Soni Shrivastava, J)

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