

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7560 of 2026

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Shobhit Devi alias Shobhita Devi W/o- Hari Ray, Resident of Village - Asia,
P.S.- Deorhi, District - Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary Excise and Prohibition Department
Govt. of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Muzaffarpur, Bihar.
4. The Superintendent of Police, Muzaffarpur, Bihar.
5. The Superintendent of Excise, Muzaffarpur, Bihar.
6. The S.H.O., Gaighat Police Station, Muzaffarpur, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms.Shruti Singh Mr. Anal Kumar Singh Mr. Amit Kumar Mr. Masoom Raza
For the Respondent/s	:	Mr.Standing Counsel (9)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
and
HONOURABLE MR. JUSTICE VIKASH KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA)

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| 2 | 14-07-2026 | <ol style="list-style-type: none">1. Heard learned Counsel for the petitioner and learned
Counsel for the State.2. The present writ application has been filed for
unsealing/releasing the godown of the petitioner, which
was sealed in connection with Gaighat Police Station
Case No. 440 of 2023, registered under Sections
272/273/414/34 of the Indian Penal Code and Sections
30(a)/36/41(1) of the Bihar Prohibition and Excise Act, |
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2016.

3. Learned Counsel for the petitioner submits that the petitioner is the lawful owner of the godown in question, situated at mouza Jarang, Circle Gaighat, district Muzaffarpur, having Jamabandi No. 8376, Khata No. 1778, Plot No. 6698. During raid of the premises/godown in question, 858.75 litres of illicit liquor was recovered. The petitioner, at the time of raid, was not using the godown in question and that was let out in favour of tenant, having rent agreement, dated 03.11.2022.
4. On the other hand, learned Counsel for the State argued that the petitioner has the remedy under Section 12B of the Bihar Prohibition and Excise Rules, 2021 and she may avail that remedy by filing a petition before the District Magistrate, Muzaffarpur, who is the Confiscating Authority and the confiscation proceeding has been initiated against the petitioner, bearing Confiscation Case No. 203 of 2023-24. A notice has been issued to the petitioner in the aforesaid confiscation proceeding on 08.09.2025.
5. Having heard learned Counsel for the parties concerned and taking into consideration the nature of prayer made in



the writ application, we dispose the present writ application with liberty to the petitioner to file a petition before the Confiscating Authority/District Magistrate, Muzaffarpur, under Rule 12B of the 2021 Rules in Form-V within a period of three weeks from today.

6. It is made clear that if such a petition is filed, the Confiscating Authority/District Magistrate, Muzaffarpur, shall dispose the same in accordance with law by a speaking order, preferably within a period of three weeks from the date of filing of the petition under Form-V by the petitioner.

(Anil Kumar Sinha, J.)

(Vikash Kumar, J.)

Prabhakar Anand/-

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