

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8441 of 2025

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Birju Kumar Mahto @ Birju Kumar Son of Late Munni Mahto, R/o Village-
Chhoti Pahari, Sahara Road, Ward No. 56, P.S.- Bypass, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of
Registration Prohibition and Excise Government of Bihar, Patna
2. The Collector cum District Magistrate, Patna
3. The Superintendent of Excise, Patna
4. The Superintendent of Police, Patna
5. The Inspector Prohibition Patna, SHO, Utapad Thana, Patna.
6. The SHO of Bypass Police Station, Patna.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Avinash, Advocate
For the Respondents : Mr. Umesh Narayan Dubey, AC to GP-27

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

4 16-03-2026 Heard learned counsel for the petitioner and

learned counsel for the respondent State.

2. The present writ petition has been filed for de-
sealing the residential premises / house of the petitioner wherein
a warehouse is running, which has been sealed in connection
with Patna Excise P.S. Case No. 414 of 2025 dated 19.03.2025,
registered under Sections 30(a), 30(g), 32, 62 and 56(6) of the
Bihar Prohibition and Excise Act, 2016 (hereinafter referred to
as “Act, 2016”), as amended by the Amendment Act, 2022,



against the petitioner and others on account of recovery of 470 litres of cough syrup containing Codeine narcotic substance.

3. We find that *vide* order dated 09.07.2025, a query had been put to the respondents as to whether Codeine substance is covered under the provisions of the Act, 2016. In reply to the said query, the respondent State has filed a supplementary counter-affidavit, wherein it has been mentioned that a notification dated 18.10.2016 has been issued in exercise of the powers conferred under Section 3 of the Act, 2016, by the State Government, notifying that all medicines or medicinal preparations containing ingredients of Codeine and Dextropropoxyphene will be treated as intoxicants for the purposes of the Act, 2016.

4. In view of the aforesaid, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to file appropriate application under Rule 12B of the Bihar Prohibition and Excise (Amendment) Rules, 2022 (hereinafter referred to as “Rules, 2022”) for release of the premises in question on payment of penalty. Liberty so sought is granted.

5. It is needless to state that in case appropriate petition is filed by the petitioner under Rule 12B of the Rules, 2022, within a period of three weeks from today, the competent



authority shall examine the same on merits and pass a reasoned and a speaking order, in accordance with law within a period of three weeks, thereafter.

6. It may not be out of the place to state that in case the premises in question has not been auctioned, the same shall not be auctioned till the disposal of the application filed by the petitioner under Rule 12B of the Rules, 2022, if the same is filed within a period of three weeks from today.

7. Accordingly, the present writ petition stands disposed of.

(Mohit Kumar Shah, J)

(Arun Kumar Jha, J)

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