

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8992 of 2026

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Pankaj Singh Son of Rajeshwar Singh, Resident of Village Bajitpur Kewani,
Police Station Garkha, District Saran (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Prohibition, Excise and Registration Department, Government of Bihar, Patna.
2. The Divisional Commissioner, Saran Division, Chapra, Bihar.
3. The District Magistrate cum Collector, Saran.
4. The Superintendent of Police, Saran.
5. The District Excise Officer, Saran.
6. The Superintendent of Excise and Prohibition, Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhijeet Gautam
For the Respondent/s : Mr. Government Pleader 11

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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)

2 16-07-2026 1. Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ application has been filed by the
petitioner for issuance of direction to the respondents to unseal
the medical shop of the petitioner situated at village – Bajitpur
Kewani, P.S. - Garkha, District – Saran which has been seized in
connection with Garkha P.S. Case No. 02 of 2026 dated
04.01.2026 registered for the offence under Section 30(a), 36,
41 of the Bihar Prohibition and Excise (Amendment) Act, 2018.



3. Learned counsel for the petitioner submits that the petitioner is the owner of the shop in question and he had no knowledge or involvement in the alleged illegal transportation of liquor. He further submits that during raid 2593.08 litres of illicit liquor has been recovered from the campus of Pankaj Singh (i.e. petitioner) and 10-15 accused persons managed to flee away. He next submits that when the petitioner came to know about the entire occurrence, he surrendered before the learned Special Judge Excise Act, Saran , Chapra on 21.01.2026 and has been granted bail by a Co-ordinate Bench of this Court on 01.05.2025 in Cr. Misc. No. 23854 of 2026. He also submits that the medical shop is the only source of livelihood for the petitioner and its continued seizure is causing irreparable loss and financial hardship to the petitioner.

4. On the other hand, learned counsel for the State argued that the petitioner has remedy under Section 12B of the Bihar Prohibition and Excise Rules, 2021 (for short “2021 Rules”) and he may avail that remedy by filing an application before the Confiscating Authority i.e. District Magistrate cum Collector, Saran in the confiscation proceeding initiated against the petitioner.

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 granting liberty to the petitioner to file an application before the Confiscating Authority / District Magistrate cum Collector, Saran (respondent no. 3) under Rule 12B of the 2021 Rules in Form-V within a period of two weeks from today.

6. It is made clear that if such an application is filed, the Confiscating Authority 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 application under Form-V by the petitioner.

(Anil Kumar Sinha, J)

(Vikash Kumar, J)

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