

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9888 of 2026

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Bhupendar Kumar @ Bhupendra Kumar son of Brahmdeo Yadav @ Brahmdeo Prasad Yadav Resident of Village- Tunyahi ward oN. 05, Police Station-Madhepura, District- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar x
2. The Collector cum Confiscation Officer Excise Madhepura.
3. The Superintendent of police Madhepura.
4. The Excise Officer, Madhepura.
5. The Prohibition Inspector Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surya Narayan Yadav
For the Respondent/s : Mr. Government Pleader (24)

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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 17-07-2026 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 a direction to the respondents authorities to unseal the door of kitchen made of wood and tin situated at Thana No. 72, Khata No. 236 (New), Khesra No. - 355, Mauza - Tunyahi, P.S. - Madhepura, District – Madhepura which has been sealed in connection with Madhepura Excise P.S. Case No. 48 / 2026 dated 02.03.2026 registered under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.



3. Learned counsel for the petitioner submits that the allegation made in the F.I.R. showing recovery of 144 litres of foreign liquor from the kitchen of the petitioner is totally false and concocted. He further submits that entire kitchen hold articles including other materials were sealed on 09.03.2026 in his absence inasmuch as he was behind the bars in the aforesaid case since 02.03.2026. He next submits that petitioner is ready to make payment of penalty in terms of Rule 12(B) of the Bihar Prohibition and Excise Rules, 2021 (for short “2021 Rules”).

4. On the other hand, learned counsel for the State argued that the petitioner has remedy under Section 12B of the 2021 Rules and he may avail that remedy by filing an application before the respondent no. 2 / Collector cum Confiscation Officer Excise Madhepura 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 / Collector, Madhepura 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 two 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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