

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11918 of 2025

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1. Mithilesh Paswan Son of Naresh Paswan, Resident of Village Ahiyachak, Police Station Katarisarai, District Nalanda.
 2. Santosh Paswan Son of Naresh Paswan, Resident of Village Ahiyachak, Police Station Katarisarai, District Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Registration, Excise and Prohibition, Department, Government of Bihar, Patna.
2. The Additional Chief Secretary Registration, Excise and Prohibition Department, Government of Bihar, Patna.
3. The Excise Commissioner-cum-Appellate Authority, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
4. The District Magistrate cum Collector, Nalanda.
5. The Excise Superintendent, Nalanda.
6. The Sub Divisional Magistrate, Rajgir.
7. The Circle Officer, Katarisarai, District Nalanda.
8. The Station House Officer, Katarisarai, District Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dinesh Maharaj, Advocate
For the State : Mr. Viveka Nand Singh, AC to GP-18

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

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

3 20-04-2026 The present writ petition has been filed seeking the following reliefs:-

“I) To issue writ/writs, order/orders, or direction/directions including a writ in the nature of certiorari for quashing the order dated 18.09.2023 passed in Confiscation (Excise) Case No. 12/2023, by



Respondent Sub-Divisional Magistrate Rajgir, whereby and whereunder the respondent authority has been pleased to direct the Respondent Circle Officer Katarisarai, Nalanda to initiate encroachment proceeding over the land in question and rooms belonging to the petitioners.

II) It is further prayed for quashing the order dated 13.05.2024 passed in Excise Appeal Case No. 17/2024, by Respondent Excise Commissioner Bihar, Patna, whereby and whereunder the Respondent Commissioner has remitted back the matter before the Respondent Collector Nalanda, to send the matter before appropriate authority for initiation of Encroachment proceeding in the matter.

III) To issue writ/writs, order/orders, direction/directions including a writ in the nature of mandamus directing the Respondent authorities to release the land in question and the rooms belonging to the petitioners.”

2. The brief facts of the case are that on account of recovery of 6.75 liters of illicit Indian made foreign liquor from the room in possession of the petitioner, one Katarisarai (Giriyak OP) Police Station Case No.332/23 dated 03.07.2023, for the offences under Sections 419/420/467/468/471/379/120B/34 of the Indian Penal Code, Sections 66(c)/66(o) of the IT Act, Section 25(c) of the Indian Telegram Act and Section 30(a) of the Bihar Prohibition and Excise Amendment



Act, 2018 was registered, whereafter the room in question was sealed. Thereafter, one Confiscation (Excise) Case No.12 of 2023 was initiated and by the impugned order dated 18.09.2023, passed by the Sub-divisional Officer, Rajgir, the Circle Officer, Katarisaraï has been directed to initiate encroachment proceedings and take possession of the room in question from which illicit liquor has been recovered, since the said room is situated over public/Government land.

3. At this juncture, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to avail such alternative remedies as are otherwise available under the law, including that of filing a title suit before the learned Civil Court of competent jurisdiction for declaration of right, title and interest of the petitioner in the land/room in question. Liberty so sought is granted.

4. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

(Arun Kumar Jha, J)

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