

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10979 of 2026

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Abhishek Paswan @ Abhishek Kumar S/o Late Prahlad Paswan, R/o Village-
Masiya Dih, P.S.- Bind, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Gov-
ernment of Bihar, Old Secretariat, Patna.
2. The District Magistrate, Nalanda.
3. Addl. Collector-cum-Addl. District Magistrate, Nalanda.
4. The Superintendent of Police, Nalanda.
5. The Sub-Divisional Magistrate, Nalanda.
6. The District Supply Officer (Excise), Nalanda.
7. The S.H.O., Bind, P.S.- Bind, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad
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 27-07-2026

1. Heard the parties.

2. The present writ application has been filed by the
petitioner for quashing the confiscation order dated 26.08.2025
passed by learned Additional Collector-cum-Additional District
Magistrate, Nalanda in Confiscation (Excise) Case No. 111 of
2024 whereby the residential room / house of the petitioner has
been confiscated under the provisions of the Bihar Prohibition
and Excise Act and for a direction to the respondents to



forthwith unseal and restore peaceful possession of the residential house / room to the petitioner.

3. Learned counsel for the petitioner submits that the petitioner is living in the house of his father which is an undivided property among the brothers and during raid 40 liters of country made liquor were recovered from one room of the house leading to registration of Bind P.S. Case No. 47 of 2024 dated 01.04.2024 for the offence under Section 30 (a) of the Bihar Prohibition and Excise Act.

4. On the other hand, learned counsel for the State submits that the petitioner has remedy under Rule 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 / District Magistrate, Nalanda in form -V.

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, Nalanda 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 Competent 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 in Form-V by the petitioner if appeal / revision and auction has not yet concluded.

(Anil Kumar Sinha, J)

(Vikash Kumar, J)

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