

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.14065 of 2025**

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Dukhi Sah Son of Late Ramrup Sah Resident of Surat Ganj, P.S.- Madhubani  
Town, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Registration and Excise, Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The Senior Superintendent of Police, Madhubani.
4. That Station House Officer, Sadar Excise Police Station, District- Madhubani.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Bhavesh Kumar Sah, Advocate<br>Mr. Dhananjay Kumar Tiwary, Advocate<br>Mr. Archana Aanand, Advocate |
| For the Respondent/s | : | Mr. Standing Counsel (23)                                                                               |

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**and**  
**HONOURABLE MR. JUSTICE PRAVEEN KUMAR**  
**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)**

3      21-01-2026                      The present petition has been filed for directing the respondent authorities to release the room of Krishna Dhaba appertaining to Thana No. 33, Old Khesra No. 4039 New Khesra No. 751, situated at Suratganj, P.S.- Town, District- Madhubani in favour of the petitioner who is bonafide owner of the land in question where the said room/shop is situated.

2. The records would bear it out that the aforesaid room/shop in the name of Krishna Dhaba has been seized in connection with Sadar Excise P.S. Case No. 363 of 2024 dated



30.12.2024, registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, (hereinafter referred to as 'the Act, 2016'), on account of recovery of 135.750 liters of illicit liquor from the said room/shop.

3. The learned counsel for the petitioner has submitted that the petitioner had given the said room/shop on rent to one Brahmdev Sah (who is also an accused in the said criminal case) vide rent agreement dated 30.11.2024, thus it is submitted that the petitioner is not having any complicity in the alleged occurrence, hence the premises in question be de-sealed and released in favour of the petitioner. In this regard, a judgment dated 01.09.1995 passed by a Co-ordinate Bench of this Court in C.W.J.C. No. 2129 of 2025 (Mahendra Prasad Singh vs. The State of Bihar and Others) has been referred to. However, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the learned Collector, Madhubani/Authorized Officer for filing appropriate petition under Rule 12B of the Bihar Prohibition and Excise (Amendment) Rules, 2022 (hereinafter referred to as 'the Rule, 2022') for the purposes of release of the said premises upon payment of penalty, but it is submitted that the concerned authority be directed to consider the law laid down in the case of



Mahendra Prasad Singh (supra) and then pass appropriate order.  
Liberty, so sought, is granted.

4. It is needless to state that in case appropriate petition is filed by the petitioner within a period of four weeks from today under Section 12B of the Rules, 2022 annexing a copy of the judgment rendered in the case of Mahendra Prasad Singh (supra), the Collector, Madhubani/Authorized Officer shall consider the same as also consider the case of the petitioner on merits and pass a reasoned and a speaking order in accordance with law within a period of four weeks, thereafter.

5. Accordingly, the present writ petition stands disposed of on the aforesaid terms.

**(Mohit Kumar Shah, J)**

**( Praveen Kumar, J)**

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