

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15544 of 2025

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Sanjay Bari Son of Sugdeo Bari, Resident of ward no. 8, Laxminagar, P.S.
Town, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary Department of Excise Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of police, Bihar, Patna.
4. The Deputy General Inspector of police, Darbhanga Division.
5. The District Magistrate, Madhubani
6. The Superintendent of Police, Madhubani.
7. The Deputy Superintendent of Police, Madhubani.
8. The officer incharge excise town police station, Sadar Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate
Mr. Gagan Deo Yadav, Advocate
Mr. Vinod Kumar, Advocate
Mr. Udeshya Kumar Yadav, Advocate
Mr. Rajesh Kumar, Advocate

For the State : Mr. Yogendra Pd. Sinha, AAG 7

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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)

2 12-01-2026 The present writ petition has been filed for directing

the respondent authorities to de-seal the sealed portion of the

house of the petitioner situated at Kotwali Chauk, Mauza –



Bhauara, Police Station No.62, District – Madhubani, appertaining to Khata No. - 807, Khesra No. - 1906, admeasuring 3.161 decimal, which has been sealed on account of recovery of 54 liters of illicit Nepali country made liquor and 28.320 liters of illicit foreign made liquor from the house of the petitioner leading to registration of Sadar Excise Madhubani P.S. Case No. 324 of 2024 dated 18.11.2024 under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act, 2016’) against the petitioner and his wife.

2. It is submitted by the learned counsel for the petitioner that though at the time the present writ petition was filed, no confiscation proceedings had been initiated, however the respondents have filed a counter affidavit wherein it has been stated that a confiscation proceeding bearing Confiscation Case No. 388 of 2025 has already been initiated by the learned District Magistrate, Madhubani, after which notices have also been issued to the petitioner to appear physically before the learned Court of District Magistrate and the said proceedings are still pending consideration.

3. In view of the aforesaid, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to appear



before the learned Court of District Magistrate, Madhubani in the aforesaid Confiscation Case No. 388 of 2025 and file his objections, as also prays that the petitioner be granted liberty to file appropriate petition under Rule 12 B of the Bihar Prohibition and Excise (Amendment) Rules, 2022 (hereinafter referred to as 'the Rules, 2022') for release of the premises on payment of penalty. Liberty, so sought, is granted.

4. It is needless to state that in case any petition is filed by the petitioner before the learned District Magistrate, Madhubani under Rule 12 B of the Rules, 2022 within a period of two weeks from today, appropriate decision shall be taken thereon within a period of two weeks, thereafter.

5. As far as the main confiscation case is concerned *i.e.* the one bearing Confiscation Case No. 388 of 2025, the petitioner shall file his objections within a period of four weeks from today, whereupon the learned District Magistrate, Madhubani shall pass the final order within a period of six weeks thereafter, however it is clarified that in case no written objection is filed by the petitioner in the aforesaid confiscation case, the learned District Magistrate, Madhubani shall be free to pass appropriate orders in accordance with law within a period of six weeks from today, nonetheless it is clarified that the said



confiscation proceedings shall be subject to the outcome of the petition to be filed by the petitioner under Rule 12 B of the Rules, 2022.

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

(Mohit Kumar Shah, J)

(Praveen Kumar, J)

GAURAV S./-

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