

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16969 of 2025

Sanjeev Verma (M), S/O Late Ashok Kumar Verma R/O Sant Nagar, Ward No. 35/19, South to Hanuman Temple, PS and Distt. Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar through Addl. Chief Secretary, Excise Department, Government of Bihar, Patna
2. The District Magistrate-cum-Collector, Saharsa
3. The Superintendent of Police, Saharsa
4. The Assistant Commissioner, Excise, Saharsa
5. The Officer-in-Charge, Excise Police Station, Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Gulnaz Yasmin, Advocate
For the Stae	:	Mr. Madhav Pd. Yadav, GP 23
		Ms. Meera Singh, AC to GP 23

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 de-sealing and releasing of one room shop of the petitioner with its entire furniture and fittings located at outer courtyard of his residential house situated at Ward No. 35/19, Sant Nagar, South to Hanuman Temple, Gangjala (under Municipal Corporation) Saharsa which has been sealed on 19.05.2024 by the Saharsa Excise/Prohibition Police on account of recovery of 40.02 liters of Indian made foreign liquor from the possession of the tenant of the petitioner who was, at that moment of time, in occupation



of the shop in question.

2. The learned counsel for the petitioner submits that though pursuant to lodging of Saharsa Excise Case No. 221 of 2024 under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016 on 19.05.2024 against the tenant, *namely*, Deepak Kumar Singh, a confiscation case bearing Excise Confiscation Case No. 192 of 2024 has been initiated and a show cause notice dated 05.09.2024 has been issued to the petitioner, whereupon the petitioner has also filed his show cause reply on 30.09.2024, however despite lapse of statutory period of 90 days, as provided under Rule 13 (b) of the Bihar Prohibition and Excise (Amendment) Rules, 2022, the confiscation proceedings have not been concluded, hence the shop of the petitioner is required to be de-sealed although it is another aspect that the petitioner had let-out the shop in question to his tenant, *namely*, Deepak Kumar Singh *vide* rent agreement dated 15.04.2024 *i.e.* prior to lodging of the FIR in question.

3. The learned counsel for the respondent-State submits that the confiscation proceedings would definitely be concluded within a period of four weeks from today, failing which this Court may impose such conditions as is deemed fit and proper in case of default on the part of the Collector, Saharsa.



4. Having regard to the facts and circumstances, we deem it fit and proper to direct the Collector, Saharsa to conclude the aforesaid Excise Confiscation Case No. 192 of 2024 by passing the final order in accordance with law within a period of four weeks from today, failing which it would be incumbent upon the Collector, Saharsa to de-seal the shop in question and handover the possession of the same to the petitioner.

5. 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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