

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18291 of 2025

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Krishna Prasad Son of Late Mahesh Prasad, resident of Village Belaganj, P.S.
Belaganj, District Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Excise Commissioner, Excise Department,
Government of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. District Magistrate, Gaya.
4. The Superintendent of Police, Gaya.
5. The Station House Office (S.H.O.), Belaganj P.S., District Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan, Adv.
For the State : Ms. Vijaya Laxmi Srivastava, AC to SC-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)

- 2 12-01-2026 The present writ petition has been filed for directing the Respondent authorities to de-seal the shop of the petitioner in the name and style Krishna Fast Food, located near the Mazar at Belaganj Bazar, District-Gaya, which has been sealed in connection with Belaganj P.S.Case No. 462 of 2024 dated 29.7.2024, registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 against the petitioner and others and as far as the petitioner is concerned, 9 liters of illicit



Bear has been recovered from the said shop.

2. The learned counsel for the petitioner submits that as per his knowledge, no confiscation proceedings have been initiated, nonetheless the petitioner be granted liberty to file a petition under Rule 12B of the Bihar Prohibition and Excise (Amendment) Rules, 2022 (hereinafter referred to as “the Rules, 2022”) for the purposes of release of the shop on payment of penalty.

3. The learned counsel for the Respondent-State submits that in case the case of the petitioner for release of the shop in question has not already been decided, the same would definitely be decided within a stipulated time frame, as is fixed by this Court.

4. Having regard to the facts and circumstances of the case, we deem it fit and proper to grant liberty to the petitioner to file appropriate petition under Rule 12B of the Rules, 2022 before the District Magistrate, Gaya for release of his shop in question and in case such a petition is filed within a period of two weeks from today, the learned District Magistrate, Gaya shall 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 off



on the aforesaid terms.

(Mohit Kumar Shah, J)

(Praveen Kumar, J)

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