

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18314 of 2025

Arjun Sharma Son of Rameshwar Sharma, Resident of Mirzapur, 159,
Opposite Dr. LK Kumar, Ward No. 20, Gondapur, P.S.- Nawada Town,
District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Registration and Excise, Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Nawada
4. The Additional District Magistrate, Nawada.
5. The Superintendent of Police, Nawada
6. The Station House Officer, Excise Police Station, District-Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Gopal Bohra, ADvocate Mr.Sudhir Kumar Singh, Advocate Mr. Saharsh Singh, Advocate Mr. Ambrish Kumar, Advocate Mr. Mukul Kumar, Advocate
For the Respondent/s	:	Smt. Binita Singh, SC-28 Mr. Ujjawal Bhushan, AC to SC-28

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)
Date : 05-02-2026

The present writ petition has been filed for directing the respondent-authorities to de-seal/release the house of the petitioner situated at Mauza-Mirzapur, Thana No.360, Khata No.40, Khersa No.467, Ward No.13, Police Station-Nawada Town, District-Nawada, which has been seized in connection with Nawada Excise P.S. Case No.544 of 2024, dated 05.08.2024, registered under Section 30(a) of the Bihar



Prohibition and Excise Act, 2016 (hereinafter referred to as “the Act, 2016”) against one Ranjeet Kumar on account of recovery of 4.950 litres of foreign liquor from the said premises.

2. The brief facts of the case are that the Assistant Sub-Inspector, Prohibition and Excise Police Station, Nawada along with other police personnel and officials had conducted a raid on the premises of the house in question on 05.08.2024 and during the course thereof 4.950 litres of foreign liquor was recovered and the person who was caught from the said premise, upon enquiry disclosed his name as Ranjeet Kumar. The said seizure of illicit foreign liquor has led to filing of the aforesaid FIR, bearing Nawada Excise P.S. Case No.544 of 2024.

3. The learned counsel for the petitioner has submitted that the petitioner is a *bona fide* owner of the house in question as also mutation of the land/house in question is existing in favour of the petitioner. It is further submitted that the accused Ranjeet Kumar is the son of the petitioner, who has already been granted bail by the learned Trial Court, however the fact remains that the respondents have not found any material during the course of investigation to connect the petitioner with the alleged occurrence. It is also submitted by the learned counsel



for the petitioner at the Bar that the petitioner is having a clean antecedent. The learned counsel for the petitioner has referred to a judgment dated 4.10.2024 passed by a co-ordinate Bench of this Court in the case of ***Jaya Singh vs. The State of Bihar & Ors. (CWJC No.14031 of 2024)***, wherein it has been held that for recovery of a meager quantity of illicit liquor from the premises in question, it would be appropriate to levy a penalty of Rs.10,000/- and it would be unjust and improper in case the owner of the premises is subjected to various proceedings under Rule 12-B of the Bihar Prohibition and Excise Rules, 2021 read with Section 58, 92 and 93 of the Act, 2016. The learned counsel for the petitioner has also referred to a judgment dated 14.08.2025 rendered by a co-ordinate Bench of this Court in the case of ***Chhote Lal Manjhi vs. The State of Bihar & Ors. (CWJC No.12846 of 2025)***, wherein it has been held that considering the fact that small quantity of illicit liquor has been recovered from a dwelling house, it would be appropriate to levy a fine of Rs.10,000/- for the purposes of unsealing the house in question.

4. *Per contra*, though the learned counsel for the respondent-State has submitted that the petitioner has the remedy of making an application for release of the premises in



question under Rule 12-B of the Bihar Prohibition and Excise (Amendment) Rules, 2022, however upon a query being put to him by this Court as to whether there is any material to connect the petitioner with the alleged occurrence, the answer is in the negative.

5. Having regard to the facts and circumstances of the case and considering the fact that the petitioner is not named in the aforesaid FIR bearing Nawada Excise P.S. Case No.544 of 2024 as also no material has been brought in the counter affidavit filed in the present case to show the involvement of the petitioner in the alleged occurrence much less his connivance in the alleged occurrence, apart from the fact that meager quantity of 4.950 litres of illicit foreign liquor has been recovered from the premises in question, we deem it fit and proper to direct the respondent-authorities to collect a fine of Rs.10,000/- and de-seal as also release the premises in question in favour of the petitioner upon being satisfied with the ownership of the petitioner qua the premises in question.

6. It is needless to state that the petitioner shall deposit the aforesaid sum of Rs.10,000/- before the appropriate authority within a period of two weeks from today, whereupon the premises in question shall be de-sealed and released in



favour of the petitioner, upon the concerned authority being satisfied with the ownership of the petitioner, within a period of one week, thereafter.

7. Accordingly, the present writ petition stands disposed off.

(Mohit Kumar Shah, J)

(Alok Kumar Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.02.2026
Transmission Date	NA

