

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19493 of 2025

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Sabita Devi W/o of Devanand Ram, Resident of Village- Gorihari, P.S. Turki,
District- Muzaffarpur. At present address C/o Devanand Ram, Q/No. A/59
HEc, Colony Dhurwa, Ranchi Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. That Divisional Commissioner, Excise Department Patna Division, Patna.
3. The District Collector, Muzaffarpur.
4. The Superintendent of Police, Muzaffarpur.
5. The Station House Officer, Excise Police Station Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Hemant Kumar, Advocate
For the Respondent/s : Mr.Standing Counsel (4), APP

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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 petition has been filed to direct the respondent authorities to de-seal and release the seized house of the petitioner situated at Mohalla- Satpur Milhi Tola, P.S.- Kazimohammadour, District- Muzaffarpur, appertaining to Khata No. 676, Khesra No. 1223, admeasuring 2.13 decimal, which has been seized on account of recovery of 138.480 liters of illicit liquor from the said house in question leading to registration of Muzaffarpur Excise P.S. Case No. 399 of 2025 dated 30.03.2025 under Section 30(a) and 32(3) of the Bihar Prohibition and Excise Act, 2016 against one Ashok Kumar



Nishad, a tenant of the petitioner.

2. The learned counsel for the petitioner submits that the petitioner be granted liberty to file appropriate petition under Rule 12B of the Bihar Prohibition and Excise (Amendment) Rules, 2022 (hereinafter referred to as the 'Rules, 2022') before the learned Collector, Muzaffarpur, in as much as, at the time of filing of the present writ petition, the confiscation proceedings have not been initiated.

3. The learned counsel for the respondent-State has got no objection to the aforesaid submission made by the learned counsel for the petitioner, however it is submitted that in case, the petitioner files appropriate application under Rule 12B of the Rules, 2022, the same would definitely be decided within a stipulated time frame as is fixed by this Court, provided no such earlier application has been rejected, pertaining to the house in question.

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 application under Rule 12B of the Rules, 2022 and in case such an application is filed within a period of two weeks from today, the same shall be decided by the learned Collector, Muzaffarpur by passing a speaking and a reasoned



order in accordance with law within a period of four weeks, thereafter.

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

(Mohit Kumar Shah, J)

(Praveen Kumar, J)

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