

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 11068 of 2023

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Rajkumar Chaudhari Son of Chandra Chaudhari, Resident of Village - Akbarpur, P.S. - Asthawan, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The District Magistrate Cum Collector, Nalanda.
3. The Superintendent of Police, Nalanda.
4. The Station House Officer, Asthawan P.S., Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Surya Swetabh, Advocate
For the Respondent/s : Mr Vikash Kumar, SC XI

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CORAM: HONOURABLE MR JUSTICE P B BAJANTHRI
and
HONOURABLE MR JUSTICE JITENDRA KUMAR

ORAL ORDER

(Per: HONOURABLE MR JUSTICE P B BAJANTHRI)

2 10-08-2023 In the instant petition, the petitioner has prayed for the following reliefs:

(I) Issuance of appropriate writ or writs in the nature of Mandamus directing the concerned Respondent/s to release/ unseal the Petitioner's dwelling house situated at Khata No. 358, Plot No.- 2870, Circle- Asthawan, District- Nalanda, which has been sealed in connection with Asthawan Police Station Case Number-60 of 2022 dated 02.03.2022, registered for offences under section 30(a) of Bihar Prohibition and Excise Act, 2018.

(II) Pass such other order/orders, relief/reliefs as Your Lordships may deem fit and proper under the facts and circumstances of the case.

2 The petitioner has approached this court without



exhausting the departmental remedy like submission of application/ representation before the competent authority and further to enable the competent authority to invoke remedy under Rule 12(B) of Bihar Prohibition and Excise Rules, 2021(for brevity, *the Rules*).

3 Accordingly, the present petition stands disposed of reserving liberty to the petitioner to invoke remedy before the concerned District Magistrate with the request to decide the petitioner's grievance with reference to Rule 12(B) of the Rules.

4 If such application is submitted, the concerned District Magistrate is hereby directed to decide the petitioner's grievance within a period of two weeks from the date of receipt of such application.

(P B Bajanthri, J)

(Jitendra Kumar, J)

M.E.H./-

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