

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7888 of 2024

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Mukesh Manjhi S/o- Lalbabu Manjhi, Resident of Village- Paswan Tola, P.S.-
Gaura/ Madhawrah, District Saran at Chapra.

... .. Petitioner.

Versus

1. The State of Bihar through the Secretary, Excise Prohibition, Govt. of Bihar, Patna.
2. The Excise Commissioner, New Secretariat, Bihar, Patna.
3. The District Magistrate, Saran at Chapra.
4. The Superintendent of Police, Saran at Chapra.
5. The Superintendent of Excise Prohibition Saran at Chapra.
6. The Officer -In- Charge of Gaura/ Madhawrah Police Station under district of Saran at Chapra.
7. Sri Vikash Kumar -S.I.- Cum Investigating Officer of Gaura O.P., District-Saran at Chapra.

... .. Respondents.

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Appearance :

For the Petitioner : Mr. Nawal Kishore Singh, Advocate.
For the State : Mr. Government Pleader- 7.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 09-05-2024

In the instant writ petition, the petitioner has
prayed for the following relief(s):

“For issuance of a Writ in the nature of
Mandamus or any other appropriate
Writ/Writs directing the respondents to
open the Seal of residential house of
petitioner situated at Paswan Tola, O.P.
Gaura of Marhaura Police Station,
District Saran at Chapra under the State



of Bihar, India, which has been sealed by the respondent No.6 & 7. Specially in Connection with Madhauraha P.S. Case No.825/2023, U/S-30(a) of Bihar Prohibition and Excise Amended Act 2023 on 31.12.2023, without recovery of Single liter of liquor from the house of the Petitioner.”

2. The petitioner has remedy of submission of application under Rule 12B of the Bihar Prohibition and Excise Rules, 2021 read with amended sub Rule 2 of Rule 12B in the year 2022 and 2023. Before invoking the aforementioned provisions and approaching the concerned authority, the petitioner has rushed to this Court. Be that as it may, even there is no representation. For seeking writ of mandamus, there must be a demand before the competent authority. At the same time, duty is cast on the concerned public authority. The first ingredient of demand before the competent authority is not forthcoming.

3. Accordingly, the instant writ petition is premature and it stands disposed of as not maintainable.

4. Disposal of the instant writ petition would not be a hurdle for the petitioner to invoke remedy under Rule 12B of Bihar Prohibition and Excise Rules, 2021 including amended



provisions in the year 2022 and 2023. If such application is submitted before the competent authority, in the prescribed form, the concerned authority is hereby directed to consider the petitioners’ grievance within a period of two weeks from the date of receipt of such application.

5. With the above observations, instant writ petition stands disposed of.

6. If the confiscation proceedings of the residential house of the petitioner has attained finality in that event petitioner is at liberty to file an appeal under Section 92 of the Bihar Prohibition and Excise Act, 2016 before the appellate authority.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.05.2024.
Transmission Date	NA

