

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9091 of 2024

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Pappu Kumar S/o- Sidyal Ray, Resident of Mohalla Ramnagar, P.S-Bihta,
District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary Excise and Prohibition Department
Government of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate-cum-collector, Patna, Bihar.
4. The Senior Superintendent of Police, Patna.
5. The Superintendent of Excise, Patna.
6. The SHO, Bihta Police Station, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Roona, Advocate
For the Respondent/s : Mr. Md. Fazle Karim, (AC to SC-1)

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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 : 21-06-2024

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

*A. For issuance of a appropriate
writ or any other appropriate order /
orders, direction/directions directing the
respondents to release/unsealing of
Godown situated at PlotNo.101, Khata No.
38, ThanaNo. 52, Mauza-Ramnagar, Bihta,
Patna in favour of the petitioner which has
been seized in connection with Bihta P.S.
Case No. 23 of 2023, dated 09.01.2023 for
the offences under Section
420/467/468/471/120(B) of the IPC and*



Section 30 (a) (b) (c) (d) / 32 (ii) (iii) /33 / 36/ 41 (i) (ii)/ 44, 47, 62 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

B. Any other order/orders, direction/directions for which the Petitioner is found entitled to in the facts and circumstances of the present case.

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 pre- mature 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 as on this day 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)

alok/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	25.06.2024.
Transmission Date	N/A

