

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13279 of 2024

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Anita Devi w/o Arvind Ram R/o village- Parasia Thakurai, P.S.- Nasriganj,
District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Rohtas at Sasaram.
3. The Assistant Commissioner of Excise Act, Rohtas, Sasaram.
4. The Superintendent of Police, Rohtas, Sasaram.
5. The Sub-Divisional Officer, Bikramganj, Rohtas.
6. The Circle Officer, Nasriganj, Rohtas.
7. Kundan Sah Son of Hiralal Sah Resident of village- Parsia Thakurai, P.S.
Nasriganj, District- Rohtas.
8. Dinesh Sah Son of Hiralal Sah Resident of village- Parsia Thakurai, P.S.
Nasriganj, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar Singh, Advocate
For the Respondent/s : Mr. Government Pleader 6

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

3 23-09-2024 In the instant writ petition, petitioner has prayed for
the following reliefs:

*“That this writ application is being
filed for issuance of appropriate writ/writs,
order/orders and direction may be given to the
respondent no. 05 quash the house. Order*



dated 02/05/2022 on the ground that petitioner is not involved in this criminal case Bikarmganj Excise Case No. 295 of 2021 and in the report which was called from the Circle Officer, Nasriganj, Rohtas to give the plot no. and khata no. may be sent by the report but the plot or Khata which belongs to the petitioner may be confiscated whatever the petitioner did not committed any crime.”

2. Petitioner has assailed the order dated 02.05.2022.

The petitioner has not exhausted the remedy of appeal before the appellate authority under Section 92 of the Bihar Prohibition and Excise Act, 2016. Similarly, yet another remedy under Rule 12 B of the Bihar Prohibition and Excise Rules, 2021 read with amended sub-Rule 2 of Rule 12 B in the year 2022 and 2023. In the absence of exhausting the aforementioned remedies, present writ petition is premature.

3. Accordingly, present writ petition stands disposed of reserving liberty to the petitioner to invoke the aforementioned remedies, if it so advised.

5. The respondents are hereby directed to not to proceed with any auction proceedings till petitioner exhausting the aforementioned remedies. This condition is subject to the



fact that if the respondents have not already initiated auction proceedings.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

GAURAV S./-

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