

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14124 of 2024

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Sundari Devi Wife of Sushil Sah, resident of Village-Rashmandal, P.S.-Pipra,
District-East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Excise Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Excise Department, Govt. of Bihar, Patna.
3. The District Magistrate, East Champaran, Motihari.
4. The Superintendent of Police, East Champaran, Motihari.
5. The Excise Superintendent, East Champaran, Motihari.
6. The Officer-in-Charge, Pipra, District-East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate
For the Respondent/s : Mr.Kinkar Kumar, SC9

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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 : 26-09-2024

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

"(I) For that this writ application is
being file for issuance of writ in nature of
mandamus for direction to respondent
release/unsealed to the house of petitioner
which was sealed by the Respondent in
Pipra P.S. Case No. 60 of 2024, reason
behind 13 litres country made liquor
alleged to recover from her house.



(ii) For further issue direction to the respondents to release/unsealed the house of the petitioner."

(iii) For further give other legal consequential benefit, attached to 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 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 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	NA
Uploading Date	30.09.2024.
Transmission Date	NA

