

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.363 of 2024

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Rina Devi wife of Nand Lal Mahto, Resident of village- Matiar Kalan, Ward
No.4. P.S. Bathnaha District - Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Prohibition, Excise Registration Department, Government of Bihar, Patna.
3. The District Magistrate-cum- Collector, Sitamarhi, District - Sitamarhi
4. The Senior Deputy Collector, Sitamarhi District - Sitamarhi.
5. The Excise Superintendent, Sitamarhi, District - Sitamarhi.
6. The Station Head Officer, Sitamarhi Excise Police Station, District - Sitamarhi

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh
For the Respondent/s : Mr. Government Pleader 25

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

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

2 10-01-2024 In the instant petition petitioner has prayed for

the following reliefs:

I. For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities particularly the Respondent no.3 to unseal the house/land of the petitioner situated in Khata No. 381, Survey No. 5665 situated under Mauza- Punaura, Thana No.260, District Sitamarhi measuring an area 1 decimals which was sealed in connection with Confiscation Case No.396 of 2023 arising out of Sitamarhi Excise P.S. Case No. 246 of 2023 dated 18.02.2023



registered for the offences under Sections 30(a) 32 (3) of the Bihar Prohibition and Excise Act (Amendment), 2018 on the ground that it is only the residential house of the petitioner in Sitamarhi Town in which the petitioner was residing with her other family members as also from the said house there was no recovery of any liquor.

II. For issuance any other appropriate writ/writs ,order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.

2. The present petition is pre-mature in not exhausting the remedy available to petitioner under Rule 12-B of the Bihar Prohibition and Excise Rules, 2021. Accordingly, the present petition stands disposed off as pre-mature.

3. Disposal of the present petition would not be a hurdle for the petitioner to invoke remedy under Rule 12-B of the Bihar Prohibition and Excise Rules, 2021, if such application is submitted before the competent authority the competent authority is hereby directed to pass suitable order within a period of two weeks from



the date of receipt of such application under Rule 12-B
of the Bihar Prohibition and Excise Rules, 2021.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

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