

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1587 of 2025

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Birendra Singh @ Virendra Singh son of Late Jagarnath Singh, resident of
Village-Dumari Bujurg, Police Station-Narayan, District-Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration, Excise and Prohibition, Government of Bihar, Patna.
2. The Collector cum District Magistrate, Saran at Chapra.
3. The Superintendent of Police, Saran at Chapra.
4. The Superintendent of Excise, Saran at Chapra.
5. The Circle Officer, Sonapur, Saran.
6. The Station House Officer, Nayagaon Police Station, District-Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Udai Shankar Singh
For the Respondent/s : Mr.Government Pleader (27)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 16-04-2025

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

“I. To command and direct the respondents
authorities to unseal the General Store shop of the
petitioner and restore the possession of the same in
favour of the petitioner situated in the village – Dumari
Bujurg, P.S. Nayagaon, District – Saran at Chapra.

II. To command and direct the respondent
no. 2 to unseal the general store shop of the petitioner
in his favour after payment of minimum 10% penalty
of the total value of the said shop as per government



circular of revenue department and under Bihar Prohibition and Excise Department.

III. To command and direct the respondent authority to not initiate confiscation proceeding against the sealed general store shop of the petitioner.

IV. To command and direct the respondents authorities (Respondent No. 2) to impose the minimum penalty 10% of total value of shop of the petitioner as per circular of the State Government.

V. To any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of the 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 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)

(S. B. Pd. Singh, J)

Ankit Kumar/-

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	21.04.2025
Transmission Date	

