

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1199 of 2025

Shiv Jee Raut Son of Late Lal Bahadur Raut, Resident of Village- Darpa
Pipra, Post Office- Darpa, Police Station - Chhauradano, District - East
Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Home (Police) Department,
Government of Bihar, Patna.
2. The Principal Secretary, Excise and Prohibition, Department, Government of
Bihar, Patna.
3. The District Magistrate, East Champaran.
4. The Superintendent of Police, East Champaran.
5. The S.H.O.-cum-Officer-in-Charge of Chhauradano Police Station, East
Champaran.
6. The Circle Officer of Chhauradano Circle, East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Prasad
For the Respondent/s : Mr.Sunil Kr. Mandal, SC3
Mr.Arjun Prasad, AC to SC3

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

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

3 27-03-2025 Heard learned counsel for the parties.

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

*“That the present writ application has
been preferred for issuance of writ of
Mandamus commanding the Respondents
to unlock and release the Asbestos
room/Godown of the petitioner’ house
which is situated at Khata No. 54,
Khesra No. 137, Mauza-Darpa, Thana
No. 176, Jamabandi No. 2523, Halka-*



*Darpa, Anchal-Chhauradano, Area-36
dismal, District-East Champaran which
has been sealed/seized by the Respondent
No. 6 in connection with Chhauradano
Police Station Case No. 71 of 2024 dated
23.03.2024 registered for the alleged
offence under Section 30(a), 41(1) of
Bihar Prohibition & Excise Amendment
Act, 2022 and for issuance of other
appropriate writ/writs,
direction/directions, order/orders in the
facts and circumstances of this case.”*

3. 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.

4. Accordingly, the instant writ petition is premature and it stands disposed of as not maintainable.

5. 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.

6. With the above observations, instant writ petition stands disposed of.

7. 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 Sinha, J)

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