

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2624 of 2025**

=====

Mokhtar Singh Son of Late Kripal Singh @Ramkripal singh resident of  
Village - Bathui, P.S.- Parsa, District - Saran at Chapra

... .. Petitioner/s

Versus

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

... .. Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr.Dewendra Narayan Singh, Advocate  
For the Respondent/s : Mr.Ramadhar Singh GP-25

=====

**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**and**  
**HONOURABLE MR. JUSTICE ALOK KUMAR SINHA**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)**

**Date : 27-03-2025**

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



“(i) For release of petitioner's house in favour of the petitioner, which is situated over the land pertaining to Thana No.231, Khata No.03, situated in the village Bathui, Halka Banauta under the jurisdiction of Parsa Police Station, Circle - Parsa, Mauja Pattikouli (Pattiaouli) in the District of Saran at Chapra which has been seized in connection with Parsa P.S. Case No.159 of 2024 was got registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act on 10.05.2024, seized for the alleged violation of Excise Laws.

And

(ii) Also for restraining the respondent authorities from initiation of confiscation proceeding of petitioner's house and making auction of the same which is situated over the land pertaining to Thana No.231, Khata No.03, situated in the village Bathui, Halka Banauta under the jurisdiction of Parsa Police (Pattiaouli) Station, Circle-Parsa, Mauja Pattikouli (Pattiaouli), in the District of Saran at Chapra and has been seized in connection with Parsa P.S. Case No.159 of 2024 registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act on 10.05.2024.

And

(iii) Also for any other relief/reliefs for which the petitioner is found entitled in the eye of law.”

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. 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. 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 Sinha, J)**

ranjan/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 28.03.2025 |
| Transmission Date | NA         |

