

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2147 of 2025**

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Mahendra Sah Son of Late Basant Sah, Resident of Village - Hatta, Police Station - Chainpur, District - Kaimur (Bhabua), 821106.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Govt. of Bihar, Patna.
2. The Collector cum District Magistrate, Kaimur (Bhabua).
3. The Superintendent of Police, Kaimur (Bhabua).
4. The Superintendent Excise, Kaimur (Bhabua).
5. The Excise Inspector cum Station in Charge, Excise P.S., Kaimur (Bhabua).

... .. Respondent/s

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**Appearance :**

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

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

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

2      19-03-2025                      In the instant writ petition, the petitioner has prayed  
for the following relief(s):

*“ I) For the issuance of writ in the nature of Mandamus to directing the Respondent to unseal/release the room i.e., 18 ft X 9ft. in question which has been locked/sealed in connection Excise Case No. 379 of 2024 for an offences under Sections 30(a), 56(b) & 56(e) of the Bihar Prohibition and Excise (Amendment) Act 2018.*

*II) For direction to the respondents to*



*release the house as the petitioner is the bonafide owner of the said house and due to seal of the said premises which has been sealed illegally has been causing irreparable loss to him.*

*III) For any other relief or reliefs for which the petitioner is entitled in the facts and circumstances of the case may be given to him.”*

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 premature 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)**

GKS/-

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