

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3924 of 2025

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Amarnath Gupta Son of Late Ram Lakhan Gupta, Resident of House No. 63, Anandpuri, (Beside Kokila Kunj Apartment), Police Station- Shri Krishnapuri, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Excise and Registration, Government of Bihar, Patna.
2. Excise Commissioner, Bihar, Patna.
3. District Magistrate-Cum-Confiscating Officer, Patna.
4. Senior Superintendent of Police, Patna.
5. Police Inspector-Cum-Officer-incharge, Patliputra Police Station, Patna.
6. Investigating Officer of Patliputra, P.S. Case No. 573/2024, Patliputra Police Station, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Raj Shekhar, ADV.
For the Respondent/s	:	Mr. G.P. Ojha (G.A. 7)
		Mr. Abhinav Ashok (AC to GA 7)

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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 : 21-04-2025

In the instant writ petition, the petitioner has

prayed for following relief(s):-

“(i) For issuance of an appropriate writ/s, direction/s, order/s in the nature of mandamus for commanding the respondent/s to unseal the room situated in ground floor of House No. 83, Deep Niwas, Indra Nagar, Police Station – Patliputra, District – Patna, in favour of the petitioner, which was sealed by the



*respondent police in connection with
Patliputra P.S. Case No. 573/2024,
registered under Section 30(a), 41(1) of
Bihar Prohibition and Excise Act.*

*(ii) Any other relief/s for which
the petitioner may found entitled.”*

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 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 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 stand 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)

Nirajkrs/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24-04-2025
Transmission Date	NA

