

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3954 of 2025

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Ramsevak Paswan @ Ramasevak Paswan, S/o Joginder Paswan @ Jogindar Paswan, Resident of Village- Jarhi, Ward No. 14, P.S.- Rosera, District- Samastipur.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Bihar Prohibition and Excise Department, Bihar, Patna.
2. The District Magistrate, Samastipur.
3. The Superintendent of Excise, Samastipur.
4. The Superintendent of Police, Samastipur.
5. The Officer in Charge, Rosera Excise Police Station, District- Samastipur.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Ankit Kumar Jha, Advocate
For the Respondent/s : Ms. Dimpal Kumari, AC to GP-11

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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

Learned counsel for the Respondents filed counter affidavit. The same is taken on record.

2. In the instant petition, petitioner has prayed for the following reliefs:-

“(I) That this is an application on behalf of above named petitioner for issuance of appropriate writ(s)/ order(s)/ Direction for directing the Respondents to open the seal of house of petitioner, appertaining to Thana No. 59, Khata



No. 1057, Khesara No. 7522 total area 9 decimal situated at mauza-Sonupur, P.S. Rosera, District-Samastipur which has been sealed by the police in connection with Rosera Excise P.S. Case No. 174/2024 dated 21.12.2024 registered for the offences punishable under section 30(a), 30(c) of Bihar Prohibition Excise Amendment Act, 2018.

Any other relief/s to which the petitioner is entitled in the facts and circumstances of the case.”

3. The petitioners have 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 present writ petition is premature and it stands disposed of as not maintainable.

5. Disposal of the present 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 petitioner’s grievance within a period of two weeks from the date of receipt of such application.

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.

7. With the above observations, the present writ petition stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.04.2025
Transmission Date	NA

