

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6752 of 2025

Ashok Yadav Son of Shivnandan Yadav Resident of Village- Ladaniya, P.S.-
Ladaniya, District- Madhubani.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Bihar Prohibition and Excise, Government of Bihar, Patna.
2. The Collector-Cum- District Magistrate, Madhubani.
3. The Superintendent of Police, Madhubani.
4. The Superintendent of Excise, Madhubani.
5. The S.H.O., Ladaniya Police Station, District- Madhubani.

... .. Respondents

Appearance :

For the Petitioner/s : Ms. Miss Kusum Rani, Advocate
For the Respondent/s : Mr. Standing Counsel (08)

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 : 08-05-2025

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

“(A) A writ in the nature of mandamus or any other appropriate writ, order/s direction commanding the respondents for the following reliefs:-

(i) To release the premises of Bajrang Picture place used as a godown by the petitioner situated at Mauza Mahatha, Old Khata No. 365, Old Khesra No. 940, Area 0-5-16 which has been seized by S.H.O. Ladaniya Police Station, District- Madhubani in connection with G.R. No. 1898/2022 arising out of Ladanya P.S. Case No.294 of 2022 dated 09.10.2022 for the offences registered under



section 272,273 of the Indian Penal Code and 30(a) of Bihar Prohibition and Excise Act, 2016 which has been forwarded to the court of learned Addl. Sessions Judge-II-Cum- Special Judge, Excise Act, Madhubani.

(B) To direct the respondent No.2 to release the premises of Godown of petitioner in terms of Rule (B) of Bihar Prohibition and Excise amendment Rules 2022.

(C) To any other relief/reliefs for which the petitioner is entitled in the facts and circumstances of the case.”

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)

(S. B. Pd. Singh, J)

manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.05.2025
Transmission Date	NA

