

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8022 of 2025

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Sunita Kumari Wife of Sanjeev Kumar Resident of Village- Suhani Bigha,
Police Station-Naugarh, District- Jehanabad. At Present Resident of Biscoman
Colony, Police Station-Alamganj, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Principal Secretary, Excise and Prohibition Department, Government of Bihar, Patna.
3. The Collector of District Patna, Patna, Bihar.
4. The Senior Superintendent of Police, Patna. Bihar.
5. The S.H.O. Excise Police, Patna, District-Patna.
6. The Investigating Officer, Excise Police Station, Patna. District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Yogesh Kumar, Advocate
For the State	:	Mr. Raghwanand GA-11
		Mr. Prabhat Kumar AC to GA-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 : 23-07-2025

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

“1. That this petition is being filed for issuance
of an appropriate writ/ order/ direction for opening of
seal/release of a room of house of the petitioner which
was sealed on 26.09.2024 in connection with Prohibition
Case No. 2273 of 2024 registered Under Section 30(a)
and 56(b) of Bihar Prohibition and Excise Act, which
room was given on rent to one Ranveer Kumar Son of



Rambahadur Das, R/o Sonapur, Ward No. 14, P.S. Nayagaon, District- Begusarai.

And issuance of any other writ/order/ direction which may be applicable 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 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)

(S. B. Pd. Singh, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.07.2025
Transmission Date	NA

