

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8768 of 2025

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Kari Devi Wife of Late Paro Yadav, Resident of Village- Mangar Bigha, P.S.-
Nawada, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna
2. The Excise Commissioner, Patna, Bihar.
3. The Collector/District Magistrate. Nawada, District- Nawada
4. The Superintendent of Police, Nawada, District- Nawada,
5. The Excise Superintendent, Nawada, District- Nawada
6. The SHO, Excise Police Station, Nawada, District- Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar, Advocate
For the Respondent/s : Mr.Santosh Chandra Bhaskar, 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 : 19-06-2025

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

“i). For issuance of an appropriate writ/writs/order/orders/direction/directions including a writ preferably in the nature of Mandamus commanding and directing upon the respondents to unseal the house of the petitioner which has sealed on 01.01.2025 in connection with Nawada Excise P.S. Case No. 934 of 2024 dated 31.12.2024 registered under Sections 30(a)



& 45 of the Bihar Prohibition & Excise Act, 2016 (Amendment Act, 2018 & 2022), relating to recovery of 39 litre of foreign liquor henceforth taking into consideration that nothing incriminating article has been recovered from the entire house and entire house has used in committing the offence under provision of Excise Act, 2016 (Amendment Act, 2018&2022).

ii). To any other relief/reliefs to 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 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 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 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 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)

Ankit Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.06.2025
Transmission Date	NA

