

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9781 of 2025

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Satyendra Kumar (Male) Aged about 40 Years, Son of Late Bisheshwar Mahto, Resident of village - Chilaungiya, Police Station - Kadirganj, District-Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Excise Department, Government of Bihar, Patna.
2. The District Magistrate, Nawada.
3. The Superintendent of Police, Nawada.
4. The S.H.O. Excise Police Station, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate
For the Respondent/s : Mr. Gyan Prakash Ojha, 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 : 01-08-2025

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

“(i) To issue an appropriate writ, order or direction in the nature of Mandamus for commanding the respondents to release the house of petitioner pertaining to the Khata No. 35, Plot No. 1031, Area 12 dhur situated at Mauza Chilaungiya P.S. Kadirganj District Nawada which was seized and locked in Excise P.S. Case No. 53 of 2025 dated



25.01.2025 Under Section 30(a) of Bihar Prohibition and Excise Act, 2016 relates to the petitioner has been seized and lock without any proper reason.

(II) To issue an appropriate writ/ order/direction directing the respondents to take no any action against the seized house of petitioner during pendency of this writ application.

(III) And/Or for any other writ/writs, order/orders or direction/directions may be issued for which the petitioner is entitled to.”

2. The petitioner has remedy of submission of application under Rule 12 B of the Bihar Prohibition and Excise Rules, 2021 read with amended sub Rule 2 of Rule 12 B 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. Accordingly, the instant writ petition is premature and it stands disposed of as not maintainable.



3. Disposal of the instant writ petition would not be a hurdle for the petitioner to invoke remedy under Rule 12 B 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.

4. 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)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	06.08.2025
Transmission Date	

