

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12247 of 2025

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Ramashankar Ray, Son of Kameshwar Ray, resident of village- Virpur, P.S.-
Jurawanpur, District- Vaishali.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The Commissioner, Excise Excise Department, Government of Bihar, Patna.
3. The Collector-cum-District Magistrate, Vaishali.
4. The Excise Superintendent, Vaishali.
5. The Officer-in-Charge of Jurawanpur P.S., Vaishali.
6. The investigating Officer of Jurawanpur P.S. Case no. 119/25, Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajeev Ranjan, Advocate
For the Respondent/s	:	Mr.Prashant Pratap, G.P.2
		Mr.Asit Kumar Jha, AC to G.P.2

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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 : 12-08-2025

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

*“(I) For directing and commanding the respondents
to unseal the five shops (out of total 6 shops) of the
petitioner, situated at Ramashankar Market at
Village- Virpur, Ward no.10, P.S.- Jurawanpur,
District- Vaishali, seized in Jurawanpur P.S. Case
No. 119/25, lodged under Section 30(A), of Bihar
Prohibition and Excise Act, 2022.*



(ii) For directing and commanding the respondents to take immediate an appropriate action with respect to unseal of said shops of the petitioner as earliest.

(iii) And also for any other relief/relieves for which petitioner is found to be legally entitled under 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	13.08.2025
Transmission Date	NA

