

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12114 of 2025

Chhotelal Manjhi Son of Bipat Manjhi Resident of Village - Shankardih,
Police Station - Parsa, District - Saran (Chapra).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate cum Collector, Saran at Chapra.
4. The Superintendent of Police, Saran at Chapra.
5. The S.H.O. Parsa Police Station, District- Saran.
6. Mr. Mukesh Kumar Mishra, The Assistant Sub-Inspector of Police, parsa Police Station, District- Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Brij Kishor Mishra
For the Respondent/s	:	Mr.K.P. Gupta, GP-10
		Mr. Satya Vrat, AC to GP-10

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 : 11-08-2025

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

“i. For issuance of a writ in the nature of mandamus or any other appropriate writ or writs directing the respondents to release the residential building of the petitioner on breaking the seal standing over the land appertaining to Thana no.418 Khata no.47, 78, Khesra no.485, 481 area 02 Katha 10 Dhurs Jamabandi No.1548, which has been illegally sealed on 18.04.2025 by the



respondent no.6 in connection with Parsa Police Station Case No.68 of 2025 registered for the offence under section 30(a) of the Bihar Prohibition & Excise Act for the alleged recovery of 13.875 litres illicit foreign wine, in which one son of the petitioner, namely, Chandan Manjhi has been made accused, for which neither the notice has been issued for initiation of confiscation proceeding nor confiscation proceeding has been initiated till date, so far the best of knowledge of the petitioner.

ii. For passing such other order or orders for which the petitioner will be found entitled in the eye of law.”

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	12.08.2025
Transmission Date	NA

