

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12796 of 2025

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Ram Briksh Yadav S/o Late Lila Yadav Resident Of Village- Akaunadih, P.S.-
Muffasil District-Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar Old Secretariat, Bihar, Patna.
2. The Divisional Commissioner, Excise Department, Patna Division, Patna.
3. The District Collector, Nawada.
4. The Superintendent of Police, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sheo Kumar Prasad, Advocate
For the Respondent/s	:	Mr.Sita Ram Yadav, G.P.6
		Mr. Rakesh Kumar Shrivastava, AC to G.P.6

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 14-08-2025

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

*“(i) For unseal the room and
bathroom of the house in which illicit liquor and
permanent live was kept of the house of the
petitioner seal by the respondent authorities in
connection with Excise P.S. Case No. 455/2025 for
the offence registered under section 30(a), 30(c) of
the Excise Act.*



(ii) For till date confiscation case has been not initiated in the present 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 petitioner's 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)

(G. Anupama Chakravarthy, J)

manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.08.2025
Transmission Date	NA

