

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.529 of 2025

Basudeo Kumar Prabhakar s/o Late Ram Lal Yadav, Resident of Village-Sidheshwarpur, P.S.-Nawada, 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. That District Collector, Nawada.
4. The Superintendent of Police, Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate.
For the Respondent/s : Mr. Government Pleader-02.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 27-01-2025

1. In the instant petition, petitioner has prayed for the following reliefs:-

“(i) For unseal the room of the petitioner which is the part of the house situated in Khata No.-151, Khesra No.-575 in Halka Jamuawan Patwasarai in Village-Sidheshwarpur was seal by the respondent authority in connection with Excise P.S. Case No.536 of 2024 Nawada registered under sections 30(a), 44 of the Excise Act.

(ii) For that till date confiscation case has not been instituted in this 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 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 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 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.

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)

(Sunil Dutta Mishra, J)

harish/-ritik/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.02.2025
Transmission Date	NA

