

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19716 of 2024

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Sharvan Chaudhari, S/o Late Saryug Chaudhari, Resident of Mohalla -
Sonarpati Road Balisharif, P.S.- Nagar, District- Nawada.

... .. Petitioner

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.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad, Advocate
For the Respondent/s : Mr.Rajesh Kumar, G.P.3

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

Date : 17-01-2025

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

*“(i) For unseal the kitchen of the
petitioner which is the part of the house of the
petitioner was seal by the Respondent Authorities
in connection with Excise P.S. Case No. 795/2024
Nawada for the offence registered under section
30(a) 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 present writ petition is premature and it stands disposed of as not maintainable.

4. Disposal of the present 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, the present 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)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.01.2025
Transmission Date	NA

