

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11703 of 2023

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Sudhakar Kushwaha Son of Subash Kushwaha Resident of Village- Padari,
Deoria Pandey, P.S. and Dist.- Kushinagar (U.P.)

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Bihar Prohibition and Excise, Government of Bihar, Patna.
2. The Collector- Cum- District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Superintendent of Excise, Gopalganj.
5. The Officer In charge, Excise Police Station, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pritish Ranjan, Advocate
For the Respondent/s : Mr. Kumar Manish (Sc5)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

5 13-12-2023 In the instant petition, petitioner has prayed

for the following relief(s):

*“(A) A writ in the nature of mandamus
or any other appropriate writ, order/s direction
commanding the respondents for the following
relief:-*

*(i) To release the Maruti Swift Car
bearing Refd. No. UP57AF7879 which has been
seized by Inspector-Cum-SHO, Excise Police
Station, District-Gopalganj in connection with
Excise P.S. Case No.587 of 2023 dt. 30.05.2023 for
offences under Sections 30(a) of the Bihar*



Prohibition Act, 2018 which has been forwarded to the court of learned Additional District & Sessions Judge-IV-cum-Exclusive Spl. Excise Court No.II, Gopalganj.

(B) To any other relief/reliefs for which the petitioner is entitled in the facts and circumstances of the case.

2. For issuance of mandamus to the respondents and to redress the grievance of the petitioner, the petitioner has not approached the concerned authority.

3. In the absence of demand before the competent authority and further apprising this Court that statutory duty is vested with the concerned respondents. The present petition is not maintainable, accordingly, the present petition stands disposed of, as pre-mature.

4. Disposal of the present petition would not be a hurdle to file an application in prescribed format under Rule 12-A of the Bihar Prohibition and Excise Rules, 2021 read with sub-Rule 2 of the Rule 12-A of the Bihar Prohibition and Excise Rules, 2021 (Amendment Rules, 2023). If such application is filed before the competent authority, the competent authority is hereby directed to examine/redress the petitioner's grievance in accordance with law within a period of two weeks from the date



of receipt of the petitioner's application.

5. With the above observation, the present writ
petition is disposed of.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

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