

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15155 of 2023

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Pinki Devi, Wife of Manoranjan Kumar, Resident of Village-Achuara, P.O.-
Achuara, P.S.-Barh, Dist.-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Vikas Bhawan, Patna, P.O.-G.P.O. Patna, Dist-Patna.
2. The Excise Commissioner, Patna.
3. The District Magistrate, Patna.
4. The SSP, Patna.
5. The SHO, Mokama Police Station.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anand Kumar, Advocate
For the Respondent/s : Mr.Kumar Manish (Sc 5)
Mr. Kumar Pankaj, AC to SC-5

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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)

3 28-11-2023 In the instant petition, petitioner has prayed for
following relief(s):

*“(i) For issuance of an appropriate writ
in the nature of Mandamus or any other
appropriate writ/writs, order/orders,
direction/directions to the respondent concern
authorities to release the Bajaj Co. made Piazzo
vehicle bearing Registration No. BR01PP6314,
Engine No. AZXWNF11035, Chassis no.
MD2818BX5NWF68342 which has been seized in
connection with Mokama P.S. Case No. 150/23*



registered on 08.05.2023 for the offence under Section 30(a) Bihar Prohibition and Excise Amendment Act 2022 and the same is lying in Mokama Police station District-Patna under open sky and is deteriorating day by day.

(ii) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner will be found entitled in the facts and circumstances of the case.”

2. For the purpose of issuance of writ of mandamus to the public authority, petitioner has to satisfy two ingredients namely demand and statutory duty vested with the public authority. The first ingredient is not forthcoming, therefore, the present writ petition is not maintainable and it is premature.

3. Accordingly, the present writ petition stands disposed of.

4. Disposal of the present petition would not be a hurdle for the petitioner to invoke appropriate remedy before the competent authority while invoking Rule 12-A of Bihar Prohibition and Excise Rules, 2021 read with Sub-Rule (2) of Rule 12-A (amended) Rules, 2023 in the prescribed Form be submitted within a period of two weeks from today. On receipt of such application, the competent authority is hereby directed



to pass a detailed speaking order. If any penalty is required to be imposed, in that event, petitioner shall be heard in respect of invoking sub-rule 2 of Rule 12-A (amended) Rules, 2023 and decide within a period of four weeks from the date of receipt of application to be filed.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

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