

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14836 of 2023

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Ashok Singh Son of Late Babban Singh Resident of Village-Khawajepur,
P.S.-Jadipur, District-Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Prohibition and Excise, Government of Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Excise, Gopalganj.
4. The Sub-Inspector, Excise and Prohibition, Excise Police Station, District-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhramveer, Advocate
For the Respondent/s : Mr. Vikash Kumar (SC-11)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

2 03-11-2023 Heard learned counsel for the respective parties.

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

*"That this Civil Writ
application is being filed on behalf of
the petitioner for direction upon the
Respondents to release the Hundai
Creta car of the petitioner Reg. no.
B.R. 28T -7725, Engine No.
DUFCJM592370, chesis No.
MALC28IRLJM424982 which is
seized in connection with Gopalganj
Excise P.S. Case No. 936/23, dt.*



*09.09.2023, registered U/S 30 (a) of
the Bihar Prohibition & Excise Act,
2018."*

3. For issuance of writ of mandamus two ingredients are mandatory namely demand before the competent authority, in other words, application or representation and duty cast on the public servant insofar as deciding the grievance of the petitioner. The first ingredient is not forthcoming in other words petitioner has not approached the concerned authority for the purpose of release of the subject matter of motor vehicle. In fact, Rule 12-A of Bihar Prohibition and Excise Rules, 2021 (for short 'Rules 2021) provides for submission of application. Therefore, the present writ petition stands disposed of as premature. However, disposal of the present writ petition would not be a hurdle for the petitioner to approach the concerned authority while making application in the prescribed format for the purpose of release of the vehicle before the competent authority. Under Rule 12- A of Rules, 2021, if such application is submitted, the competent authority is hereby directed to examine the grievance of the petitioner and redress the same, in accordance with law within a period of two weeks from the date of receipt of petitioner's application.

4. Accordingly, the present writ petition stands



