

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17841 of 2023

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Gurucharan Mahato S/o-Ranglal Mahato, R/o- Budhi, Amwa Nakchhed,
Amwa P.S.- Kuchaikot, District Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary Department of Excise, Bihar Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The S.H.O. Excise P.S., District Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : None.
For the Respondent/s : Mr. Dhurjati Kr. Prasad (GP 14)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE RAMESH CHAND

MALVIYA

ORAL JUDGMENT

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

Date : 18-12-2023

None appears for the petitioner.

2. In the instant petition, petitioner has prayed for the following relief(s):-

"(i) For directing and commanding the respondent authorities to release the Motorcycle namely Hero Splendor bearing Registration No.- BR28Y1243. Engine No. HA11EYLHL15828 and Chassis No. MBLHAW122LHL73467 in favour of the petitioner which has been seized in connection with Gopalganj Excise P.S. Case No. 979/23 registered on 21.09.2023 under Section 30(a) of Bihar Prohibition and Excise Act Amendment Act-2022.



(ii) For directing and commanding the respondent authorities to release the Motorcycle namely Hero Splendor in the favour of the petitioner on the ground that the petitioner is the owner of the said Motorcycle and same is lying under open sky in the police station as nobody is there to take care of the motorcycle.

For issuance of any other relief or relief(s) for which the petitioner is entitled for."

3. For issuance of writ of mandamus the ingredients of demand and statutory duty vested with the public authorities is not forthcoming. However, petitioner has not made out any demand before the competent authority. Therefore, the present petition is premature. Accordingly, the present petition is premature.

4. Disposal of the present writ petition would not be a hurdle for the petitioner to invoke remedy under Rule 12-A of Bihar Prohibition and Excise Rules, 2021 read with Bihar Prohibition and Excise (Amendment) Rules, 2022 and Bihar Prohibition and Excise (Amendment) Rules, 2023. The petitioner is hereby directed to submit application in the prescribed form. If such application is submitted before the competent authority, the competent authority is hereby directed to take note of petitioner's application read with the aforementioned provision of law and



decide the petitioner's application within a period of two weeks from the date of receipt of such application.

5. With the aforesaid observations, the present writ petition stands disposed of.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

