

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1781 of 2024

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Rahul Kumar Son of Mahesh Thakur Resident of Bhabhaul Chak Dihri Police Station Pipra Punpun District Patna at Present Resident of Village Gandhihat, Police Dtation Maner, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner, Excise Department, Government of Bihar, Patna.
3. The District Magistrate, Patna.
4. The Officer-in-Charge, Excise Police Station Mashaurhi, District Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binit Kumar, Advocate
For the Respondent/s : Mr. Government Pleader (18)

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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 : 07-02-2024

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

“That this is an application on behalf of the above named petitioner to issue an appropriate writ(s), order(s) or direction(s) commanding and directing thereby to release three wheeler vehicle of the petitioner, bearing Registration No. BRO1PP7479, Piaggio vehicle, which has been seized in Excise Thana Masaurhi Case No. 438/2023 dated 27.08.2023 registered under section 30(a) of Bihar Prohibition (Amendment) Act, 2018.”

2. In support of such relief there is no demand before the competent authority in particularly under Rule of 12 A of the Bihar



Prohibition and Excise Rules, 2021 read with amended sub Rule 2 of Rule 12A in the year 2022 and 2023.

3. In the absence of demand before the competent authority the present writ petition for writ of mandamus is not maintainable or it is pre-mature. Accordingly, the present petition stands disposed of as pre-mature.

4. Disposal of the present petition would not be a hurdle for the petitioner to invoke remedy under Rule 12A of Bihar Prohibition and Excise Rules, 2021 including amended provisions in the year 2022 and 2023. If such application is submitted in the prescribed form before the competent authority, the competent authority shall pass speaking order within a period of two weeks from the date of receipt of the application under Rule 12A of Bihar Prohibition and Excise Rules, 2021 read with 2022 and 2023.

5. With the above observation, the present petition stands disposed of.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

jjyoti/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	09.02.2024
Transmission Date	N/A

