

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1587 of 2024

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Bajinath Singh, Male, aged about 79 years, Son of Late Bhagwat Singh,
Resident of Village- Bela, P.S.- Basantpur, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Government of Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The Senior Superintendent of Police, Gopalganj.
4. The Officer-in-Charge, Excise Police Station, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinod Pandey, Advocate

For the Respondent/s : Mr. Ramadhar Singh, GP 25

Mr. Upendra Prasad Singh, AC to GP 25

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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 : 31-01-2024

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

*“That this is an application for
issuance of writ in the nature of Mandamus for
direction to respondents to release Swift Car
bearing its Registration No. BR-28AC-8416,
Engine No. DI3A2878747, Chesis No.
MA3FJEB1S00A00135, which is seized in
connection with Excise P.S. Case No. 1084/2023
under Section 30(a) of the Excise Act and kept in
the premises of Excise Police Station,
Gopalganj.”*



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 this order.

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

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

Anand Kr.

AFR/NAFR	
CAV DATE	
Uploading Date	07.02.2024
Transmission Date	

