

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1669 of 2024

Dharmendra Kumar Yadav @ Dharmendra Kumar Rohita, aged about 29 years, Male Son of Jaynarayan Rohita, Resident of Village-Baldiha, P.S.- Jai Nagar, Madhubani.

... .. Petitioner/s

Versus

1. State of Bihar through Secretary Department of Excise, Bihar, Patna.
2. Secretary, Department of Excise, Bihar, Patna.
3. The District Magistrate Cum Collector, Madhubani, at Madhubani.
4. The Superintendent of Police Madhubani at Madhubani.
5. The S.H.O., Jai Nagar P.S., Jai Nagar Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar Choudhary, Advocate
For the Respondent/s : Mr. GA 13

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 the present writ petition is being filed for release of white color TVS Apache motorcycle, bearing Registration No. BR 32 AK 9684 Chasis No. MD634AE88N2A05637, registered in name of petitioner and one realme mobile having IMEI No. 863869057451555, which has been seized by respondent no. 5 in connection with Jai Nagar PS Case No. 460/2022 for the offence u/s 341,323,279,337,353,504 of IPC and Section 37 of Bihar Excise Prohibition Act, 2022 to the satisfaction of the learned Court of Additional Session Judge-II cum Special Judge Excise Act, Madhubani/D.M., Madhubani, is directed in the following facts and circumstances of the case.”



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	

