

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.823 of 2024

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Anil Das @ Meghu S/o Late Shiv Shankar Das, R/o village- Karas Ghat,
P.O.- Jhajhwa Bazar, P.S.-Mohammadpur, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar Through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate -cum-Collector, Gopalganj.
3. The Excise Commissioner, Bihar, Patna.
4. The Superintendent of Excise, Gopalganj.
5. The Superintendent of Police, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Rai, Advocate
For the Respondent/s : Mr. Sitaram Yadav, G.P. 16

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

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

2 19-01-2024 In the instant petition, petitioner has prayed for the
following relief:

*For issuance of a writ in the nature of
Mandamus or any other appropriate writ / writs /
order / orders / direction / directions commanding
the respondents to release the Hero HF Deluxe
motorcycle bearing Reg. No. BR28U5673, Chasis
No. MBLHAR054J9L09225 and Engine No.
HA11EPJ9L10374 in favour of the petitioner which
has been seized in connection with Mohammadpur
P.S. Case No. 94 / 2023 registered for the offence
punishable under Section 30(a), 45 of Bihar
Prohibition and Excise Act 2018 on 24.04.2023,
seized for the alleged violation of Excise Act.*



2. For issuance of writ of Mandamus there must be demand before the competent authority such a demand is not forthcoming. Therefore, the present petition is premature. Accordingly, petition stands disposed of.

3. Disposal of the present petition would not be a hurdle for the petitioner to invoke Rule 12 – A of Rules, 2021 read with amendment of the aforementioned Rules in the year 2022 – 2023. If the petitioner submits application in the prescribed form, the same shall be considered by the competent authority within a period of two weeks from the date of receipt of such application.

4. With the aforesaid observation, petition stands disposed of.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

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