

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1495 of 2024

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Jashvant Yadav @ Jashwant Yadav, Male, aged about 21 years, Son of Madan Yadav, Resident of Village Basdila Gunakar, P.S. Tamkuhi Raj, District-Kushinagar, Uttar Pradesh.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary Excise and Prohibition Department Government of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Gopalganj, Bihar.
4. The Superintendent of Police, Gopalganj, Bihar.
5. The Superintendent of Excise, Gopalganj, Bihar.
6. The SHO, Kuchaikote Police Station, Gopalganj, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Harshvardhan, Advocate
For the Respondent/s : Mr. GP 6

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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:

i. For issuance of a writ in the any other appropriate order/orders, direction/directions directing the respondents to release the vehicle of



the petitioner which a White coloured Apache motorcycle Registration No. UP57BK3493, Engine No. AE8NN2307559 and Chasis No. MD634BE82N2N07983 which has been seized by the State officials under Kuchaikote P.S. Case No. 423 of 2023 u/s 30(a) of the Bihar Prohibition and Excise Act; And/or

ii. For any other order/orders, relief/reliefs for which the petitioner may be entitled in the eyes of law.

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	

