

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2301 of 2024

Ashok Yadav @ Ashok Singh, Male, aged about 41 years, Son of Julum Yadav, Resident of Village-Yadopur Shukul, Police Station-Jadopur, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Prohibition and Excise Act, Government of Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The S.H.O., Jadopur Police Station, Gopalganj.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE RAMESH CHAND

MALVIYA

ORAL JUDGMENT

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

Date : 08-02-2024

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

“That the present writ is being filed for release of Hero Splender Plus Motorcycle bearing Reg. No. BR28U 2589 of the petitioner which has been seized by police in connection with Yadopur P.S. Case No. 268 of 2023 for offence under Section 30(a) of the Bihar Prohibition and Excise 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 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	
Transmission Date	

