

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2976 of 2024

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Urmila Devi W/o Sanjay Kumar Singh R/o Village-Khadahi, P.S.-Bhorey
District-Gopalganj. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Prohibition Act and Registration Government of Bihar, Patna.
2. The Additional Chief Secreary, Department of Prohibition Excise and Registration, Govt. of Bihar, Patna.
3. The Commissioner, Prohibition and Excise Bihar, Patna.
4. The Distirct Magistrate, Gopalganj.
5. The Senior Superintendent of Police, Gopalganj.
6. The Station House Officer, (Officer-In-Charge) Bhorey Police Station, District-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suresh Prasad Bhakta, Advocate
For the Respondent/s : Mr. Government Pleader (27)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 20-02-2024

In the instant petition, petitioner has prayed for the following relief:-

“That this application is being filed for issuance of an appropriate writ or writs, order or orders, direction or direcitons commanding the appropriate respondent to release the Hero Spender Motorcycle Bearing Registration No. UP52BU2066, Chasis No. MBLHAW124NHE48126, Engine No. HA11EDNHE83009 which has been seized by Police in connection with Phulwariya P.S. Case No. 364/2023 dated 13.10.2023 registered under sections 30 (a) of Bihar Prohibition and Excise Act, 2018.”

2. In support of aforementioned 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)

(Alok Kumar Pandey, J)

jjyoti/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22.02.2024
Transmission Date	N/A

