

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3190 of 2024

Sanjay Yadav S/o Banile Yadav, Resident of Matihaniya, P.S.-Bishambharpur,
District-Gopalganj. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise and Prohibition Department, Bihar, Patna.
2. The Additional Chief Secretary, Excise Department, Govt. of Bihar, Patna.
3. The Excise Commissioner, Head Quarter Bihar, Patna.
4. District Magistrate, Gopalganj.
5. The Superintendent of Police, Gopalganj.
6. The Superintendent of Police Excise, Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pritish Ranjan, Advocate
For the Respondent/s : Mr. Government Pleader 13

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 reliefs:-

“(i) for issuance of an appropriate writ/writs, order/orders in the nature of Mandamus directing the respondents to release and discharge the property from any charges labelled on the Motorcycle Registration no. BR-28-Z-7351 which has been wrongly seized by Police in connection with Kuchaikot P.S. Case No. 597/ 2023 instituted on dated 08.12.2023 for the offences alleged under section 30 (a) of the Bihar Prohibition and Excise Amendment Act 2018.

(ii) For issuance of any other relief/reliefs to which the petitioner are found entitled under the facts and circumstances of the present case.’



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)

jyoti/-

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

