

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2921 of 2024

=====

Balbir Lohiya @ Balbir Singh Lohiya Son of Solu Ram Lohiya Resident of
-Gejha, Sector-93, Noida, Salarpur, PS- Salarpur, Gautam Buddha Nagar,
Uttar Pradesh

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Excise Department
Government of Bihar, Patna.
2. The District Magistrate Cum Collector, Gaya.
3. The Superintendent of Police, Gaya.
4. The Excise Superintendent of Police Gaya.
5. The Excise Inspector, Excise Police Station, Gaya.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Surya Swetabh
For the Respondent/s : Mr.Government Pleader 5

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

2 19-02-2024 In the instant petition, petitioner has prayed for the
following reliefs:-

*(I) Issuance of
appropriate writ or writs in the
nature of Mandamus directing
the concerned Respondent/s to
release the Petitioner's vehicle:-
Hyundai Venue (Car) bearing
registration number- UP 16 DL
5140 (the vehicle), which has
been seized in connection with
Gaya Prohibition and Excise
Police Station, Case Number-
1875/23 dated 26.10.2023,*



registered for offences under sections 30(a), 32(3) and 37 of Bihar Prohibition and Excise (Amendment) Act of 2018 and 2022.

(II) Pass such other order/orders, relief/reliefs as Your Lordships may deem fit and proper under the facts and circumstances of the case.

2. The aforementioned relief is premature in the absence of any specific demand before the competent authority in writing. In fact in the present case there is a specific provision for submission of application under Rule 12-A of Bihar Prohibition and Excise Rules 2021 read with the Amended Rules 2022 and 2023. In the absence of such application the present petition is premature. Accordingly, the present petition stands disposed of as premature.

3. Disposal of the present petition would not be a hurdle for the petitioner to invoke remedy under Rule 12-A of Bihar Prohibition and Excise Rules 2021 read with the Amended Rules 2022 and 2023 within a period of two weeks from today. If such application is submitted, the concerned authority is hereby directed to proceed to pass detailed speaking order within a period of three weeks from the date of receipt of such application.



4. With the above observations, this petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

asmit/-

U			
---	--	--	--

