

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5274 of 2024

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Astab Hussan @ Ashtab Husain Son of Md. Islam, Resident of Village -
Dibani Banjarwa, Nawko Tola, P.S. Tamkuhi Raj, District- Kushinagar
(Uttarpradesh).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Prohibition and Excise, Government of Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Excise, Gopalganj.
4. The Officer-in-Charge, Excise Police Station, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhramveer
For the Respondent/s : Mr.Government Pleader (22)

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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 : 01-04-2024

In the instant petition, petitioner has prayed for the
following relief(s):

*That this writ petition is being filed
on behalf of the petitioner for
direction/directions upon the Respondents to
release the seized Bajaj Pulsar motorcycle of
the petitioner bearing Reg No. U.P. 57 B.P.
4808, Chesis No MD2B 68 BX2PPB 30456,
Engine No. DHXPPB 42693, which is seized
in connection with Excise P.S. Case no.
1275/2023, u/s 30(a) of Bihar Prohibition
and Excise Amendment Act, 2018.*

2. For issuance of writ of mandamus, there must be

demand before the concerned authority read with duty cast on
the public authority. The first ingredient is not forthcoming



consequently the present petition is not maintainable.
Accordingly, the petition stands disposed of as premature.

3. Disposal of the present petition would not be a hurdle for the petitioner to invoke remedy before the appropriate authority under Rule 12 A of the Bihar Prohibition and Excise Rules, 2021 read with Amended Rules 2022 and 2023. If such application is filed in the prescribed form the concerned authority is hereby directed to decide the petitioner’s application within a period of two weeks from the date of receipt of such application to be filed.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

vashudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

