

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3675 of 2024

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Dipak Kumar Son of Budhu Resident of Village- Nuniya Patti, Salemgarh,
P.S.- Salemgarh, District- Kushinagar (Uttar Pradesh).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
3. The Collector-cum-District Magistrate, Gopalganj.
4. The superintendent of Police, Gopalganj.
5. The S.H.O., Gopalganj Excise, P.S.- District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate
For the Respondent/s : Mr.K.K.Singh, A.C. to G.P. 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 : 27-02-2024

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

*(I) For a Direction upon the
Respondents, particularly
Respondent No. 3 to 5 Release the
Bajaj Pulsar Motor Cycle bearing
Reg. No. UP-57BH-6596, Chassis*



*No. MD2B68BX4NPD07666,
Engine No. DHXPND56190 in
favour of the Petitioner which was
seized in connection with Gopalganj
Excise P.S. Case No. 1336 of 2023
dated 27.12.2023 registered u/s
30(a) of Bihar Prohibition and
Excise Act, 2018.*

*(II) For any relief or reliefs as the
Petitioner may found entitled by this
Hon'ble Court be given.*

2. For issuance of writ of mandamus, two ingredients are mandatory namely demand before the competent authority in respect of grievance of the aggrieved person and further statutory duty vested on the official respondent or public authority. The first ingredient is not forthcoming. Therefore, the present petition stands disposed of as a premature.

3. Disposal of the present petition would not be a hurdle to the petitioner to invoke Rule 12(A) of Bihar Prohibition and Excise Rules, 2021 including amended provisions in the year 2022 and 2023. If such application is filed in the prescribed form before concerned authority, the concerned authority is hereby directed to decide the petitioner's application filed under Rule 12(A) within a period of three weeks from the date of receipt of such



application.

4. Accordingly, the present petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	29.02.2024.
Transmission Date	N/A

