

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2925 of 2024

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Ashutosh Singh Son of Awadhesh Singh @ Awadesh Singh Resident of
Village-Sisai, Police Station-Bhore, District-Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Department of Prohibition and Excise Act, Government of Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The S.H.O. Mohammadpur P.S., Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh
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 ORDER

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

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

*That this is an
application for issuance of an
appropriate writ and/or direction
commanding the respondents to
release the Tata Punch Car bearing
Registration No. BR29 AT 4889
which has been seized by
Mohammadpur P.S. in pursuant to
lodging of an F.I.R. bearing
Mohammadpur P.S. Case No. 248
of 2023 for the offence under
section 30(a) of the Bihar
Prohibition and Excise Amendment
Act, 2018.*

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 observation, this petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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