

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4099 of 2024

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Sonu Pandey son of Kanhaiya Pandey Resident of village - Safapur, Police Station - Manjhagarh, District- Gopalganj.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Singh, Advocate
For the Respondent/s	:	Mr. Jitendra Kumar, SC 13
		Mr. Bijay Bhushan Prasad, AC to SC 13

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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 : 18-03-2024

In the instant writ petition, petitioner has prayed for the following relief/reliefs:

“(i) An appropriate writ in Mandamus directing the respondents to release the Scorpio bearing registration no. BR 29 PA 6484 Chassis no. MA1TA2WR2K2D40144 Engine no. WRK4D17234, which is seized and registered the case bearing Manjhagarh police station case no. 426 of 2023 under section 30 (a) of Bihar Prohibition and Excise Amendment Act 2018.

(ii) Any other writ / writs, order / orders or direction / directions as the facts and circumstances of the case may require and deemed fit by this Hon’ble Court may also be issued.”



2. For issuance of writ of mandamus there must be demand before the competent authority followed by statutory duty vested in the public authority. Ingredient No. 1 relating to demand before the competent authority is not forthcoming in the present *lis*. Accordingly, present writ petition stands disposed of as premature.

3. Disposal of the present writ petition would not be a hurdle for the petitioner to approach the concerned authority under Rule 12 A of Bihar Prohibition and Excise Rules, 2021 read with amended sub Rule (2) of Rule 12 A in the year 2022 and 2023. If such application is submitted in the prescribed format, the concerned authority is hereby directed to proceed to decide the petitioner’s case within a period of two weeks from the date of receipt of such application under Rule 12 A.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.03.2024
Transmission Date	NA

