

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4132 of 2024

Mithilesh Jaiswal, aged about 23 Years (Male), Son of Ramayan Jaiswal, Resident of Village- Bhingar Bazar, P.S- Khampar, District- Deoria (Uttar Pradesh).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Govt. of Bihar, Patna.
2. The District Magistrate Cum-Collector, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. S.H.O Bhore Police Station, District Gopalganj.
5. The Excise Commissioner, Gopalganj.
6. The Investigating Officer of Bhore P.S. Case No. 521/2023 Bhore Police Station, District Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey
For the Respondent/s : Mr. Additional Advocate General 07

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) A writ in the nature of mandamus or any other appropriate write order/orders, direction/directions to com commanding the respondent to release, Hero HF Deluxe Motorcycle bearing Registration No. UP-52-BP-0791, Chassis No. MBLHAW147MHF00719, Engine No. HA11ESMHF00428 in favour of the petitioner which has been seized earlier in connection with Bhore P.S. Case No. 521/23 registered for the offence under section 30(a) Bihar Prohibition and Excise Amendment Act 2016, forth with.



(iii) To any other relief/reliefs for with petitioner is found in titled to.”

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

