

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4707 of 2024

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Baby Devi Daughter of Dayanand Ray, resident of village - Punaichak Road L
B S Nagar, P.S. - Shastri Nagar, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar.
2. The District Magistrate- cum-Collector, P.S.- Gandhi Maidan, Patna.
3. The Assistant Excise Commissioner, P.S.- Gandhi Maidan, Patna.
4. The Superintendent of Excise, P.S.- Kumhrar, Patna.
5. The Superintendent of Police, P.S.- Gandhi Maidan, Patna.
6. The Motor Vehicle Inspector, Gandhi Maidan, Patna.

... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Prasad Singh, Advocate
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 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. for release of Hero Honda motor-
cycle bearing its registration no. BR-01CM4320
of the petitioner which has been got seized in
connection with Danapur p.s. case no. 1090/2022
register for the offences punishable u/s 30 (a) of*



Bihar Prohibition and Excise act 2016 on 12-10-2022 sized for the alleged violation of excise law and

ii. For Also For Restraining The Respondent Authorities For Completion Of Confiscation Proceeding Against Petitioner Two wheeler Vehicle Bearing Its Registration No. BR-01CM 4320, sized in connection with Danapur p.s. Case No. 1090/2022.

iii. Also for any other relief / reliefs for which the petitioner is found entitled in the eye of law.”

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

