

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4684 of 2024

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Uday Kumar S/o Damodar Sharma Resident of Village- Tehay, P.S Pasraha,
Dist. Khagaria

... .. Petitioner/s

Versus

- 1. The State of Bihar.
- 2. The Excise Commissioner, Bihar Excise Department, Patna.
- 3. The District Magistrate-cum-Collector, Sheikhpura.
- 4. The Superintendent of Police, Sheikhpura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Roop Kishan, Advocate
For the Respondent/s : Mr. Government Pleader (5)

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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

Heard learned counsels for the respective parties.

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

*“That this writ application is being
filed on behalf of above named petitioner for
giving direction to respondents to release the
commercial vehicle i.e. Truck (Tata Motors)
bearing Registration No. BR 10GC 1523,
Chasis No. MAT555007N8D07507, Engine
No. 33LNGD060XX509852, Colour Titanium
White, Body type-High deck load body which*



was seized in connection with Barbigha (Keoti O.P.) P.S. Case No. 134/23 dated 14.3.2023 for which offences registered U/s 30(a)/32(2)/41(1) of Bihar prohibition and Excise Amendment Act 2018.”

3. For issuance of writ of mandamus there must be demand before the competent authority followed by statutory duty vested in the public authority. In the absence of these materials, question of issuance of writ of mandamus for release of the subject matter of motor vehicle is impermissible. Further, the petitioner has remedy of submission of application in the prescribed format under Rule 12 A of the Bihar Prohibition and Excise Rules, 2021 (for short ‘Rules, 2021’) read with amended sub Rule (2) of Rule 12 A in the year 2022 and 2023.

4. The petitioner has submitted representation on 05.01.2024 and it is not in terms of prescribed format under Rule 12 A of Rules, 2021 read with amended sub Rule (2) of Rule 12 A in the year 2022 and 2023. Accordingly, present writ petition is premature and it stands disposed of as not maintainable.

5. Disposal of the present writ petition would not be a hurdle for the petitioner to approach the concerned authority under Rule 12 A of the 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	22.03.2024
Transmission Date	NA

