

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4649 of 2024

Mukaddar @ Mukaddar Shah S/o Rafiullah Shah R/o Village Ward no. 5,
Lokmanya Tilak Nagar Panchayat Chandauli District Chandauli, U.P.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary of Excise Department, Government of Bihar, Patna.
2. The Commissioner, Excise Government of Bihar, Patna.
3. The Distirct Magistrate, Kaimur Bhabhua.
4. The Sub Divisional, Magistrate, Kaimur Bhabhua.
5. The Superintendent of Police, Kaimur Bhabhua.
6. The Superintendent of Excise, Kaimur Bhabhua.
7. The Investigating Officer, Chainpur P.S. Kaimur Bhabhua.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shahrukh Shiddiqui, Advocate
For the Respondent/s : Mr. Government Advocate 03

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:

“To issue an appropriate writ/order or direction including a writ in the nature of Mandamus in Chainpur P.S. Case No. 180/2023 and issuance a writ order or direction including a writ in the nature of Mandamus commanding the respondents to release the seized vehicle bearing registration no. UP67BT0092, (Tata Pick-Up), Engine No. 28987433BBFR/VARICOR12DWXJ06264 Chassis No. MAT464798PSD04474 which was seized in arising out of Chainpur P.S. Case No. 180 of 2023 relates to the petitioner has been confiscated without proper reason.



ii. To issue other writ order/orders or direction may be issued in which the petitioner entitled 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

