

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6436 of 2024

=====

Amir Hussain S/o- Md. Tasauwar Resident of Barauli, P.S.- Barauli, District-
Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise and Prohibition Department, Bihar, Patna.
2. The Additional Chief Secretary, Excise Department, Govt. of Bihar, Patna.
3. The Excise Commissioner, Head Quarter, Bihar, Patna.
4. District Magistrate, Gopalganj.
5. The Superintendent of Police, Gopalganj.
6. The Superintendent of Police, Excise, Gopalganj.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Adarsh Ranjan
For the Respondent/s : Mr. Government Pleader (20)

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 14-05-2024

In the instant petition, petitioner has prayed for
the following reliefs:-

A. For issuance of an appropriate writ/writs, order/orders in the nature of Mandamus directing the respondents to release and discharge the property from any charges labelled on the Bike Registration No. BR-28-AC-5644 which has been wrongly seized by Police in connection with Barauli P.S. Case No. 56/2024 instituted on dated 04.02.2024 for the offences alleged under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.



B. For issuance of any other relief/reliefs to which the petitioners are found entitled under the facts and circumstances of the present case.

2. In support of aforementioned relief, there is no demand before the competent authority in particularly under Rule 12A of the Bihar Prohibition and Excise Rules, 2021 read with amended sub Rule 2 of Rule 12A in the year 2022 and 2023.

3. In the absence of demand before the competent authority, the present writ petition for writ of mandamus is not maintainable or it is pre-mature. Accordingly, present petition stands disposed of as pre-mature.

4. Disposal of the present petition would not be a hurdle for the petitioner to invoke remedy under Rule 12A of Bihar Prohibition and Excise Rules, 2021 including amended provisions in the year 2022 and 2023. If such application is submitted in the prescribed form before the competent authority, the competent authority shall pass speaking order within a period of two weeks from the date of receipt of such application.



5. With the above observation, the present writ
petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

shahzad/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	17.05.2024
Transmission Date	N.A.

