

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4788 of 2024

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Arun Kumar Son of Laxhman Prasad, Resident of Village- Matihanian, Saleh-
pur, P.S. Bisambharpur, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Prohibition and Excise, Govt. of Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Excise, Gopalganj.
4. The Officer-in-Charge, Excise Police Station, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhramveer, Advocate
For the Respondent/s : Mr. Mahtab Alam, AC to SC 20

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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:

*“That, this instant Civil Writ
application is being filed on behalf of the
petitioner for direction / directions upon the
Respondents to release the seized T.V.S. Raider
Motorcycle of the petitioner bearing Reg. No.
UP57BN 3043 Chesis No.
MD625AF92P1GO1688, Engine No.
AF9GP1601584 which is seized in connection
with Gopalganj Excise P.S. Case No. 1301/23*



dated 19.12.2024, U/S-30 (a) of Bihar Prohibition and Excise Act, 2018.”

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

