

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4544 of 2024

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Deepak Kumar Sharma @ Deepak Kumar son of Yogendra Sharma alias Yogendra Sharma, resident of Village-Nawada Khas, P.O.-Manikpur, Police Station-Nagar Gopalganj, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Prohibition and Excise Act, Government of Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The S.H.O. Gopalganj Town Police Station Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate
For the Respondent/s : Mr. S.D. Yadav, AAG 9

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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 the present writ petition is being filed for release of Mahindra Jito vehicle bearing Reg. No. BR28-GA-3205 of the petitioner which has been seized by police in connection with Gopalganj P.S. Case No. 801 of 2023 for offences under sections 30(a)/30(c)/33/41(1) of the Bihar Prohibition and Excise Amendment Act, 2022.”



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

