

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5133 of 2024

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Santosh Sahani S/o Harendra Sahani, R/o Bhavpur Rakaba, Jangalepatti, P.S.
- Taraya Sujan, District - Kushinagar, Uttar Pradesh - 274406.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner, Excise Saran Division, Saran at Chapra.
3. The District Magistrate Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. The S.H.O. Excise P.S., Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Brahmaputra Singh Ishu, Advocate Ms. Poonam Kumari, Advocate
For the Respondent/s	:	Mr. Arvind Kumar, AC to GA 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 : 22-03-2024

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

“(a) For a direction to the respondent no. 3 to release of Hero Glamour motorcycle bearing Registration No. UP57BF-6339, Chasis No. MBLJAW167NGE01540, Engine No. JA07AENGE00335 in favour of the petitioner who is owner of the said motorcycle which was seized in Gopalganj Excise P.S. Case No. 1138/2023 dated 02.11.2023 u/s 30 (a) of Bihar Prohibition and Excise Act.

(b) For a direction to the respondents not to put the aforesaid motorcycle on auction sale during pendency of this writ petition.

(c) Any other relief or reliefs.”



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	22.03.2024
Transmission Date	NA

