

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6280 of 2024

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Anil Kumar, son of Harbhagwan, R/o House No. 397, Ward-04, Green Town,
P.S.-Samana, District-Patiala (Punjab).

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate
For the Respondent/s : Mr. Standing Counsel (10)

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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 : 10-04-2024

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

*“(i) To issue an appropriate order/s,
direction/s including a writ preferably in nature of
Mandamus commanding the respondents to release
the vehicle/Truck bearing Reg. No. PB-11CV-1495,
Engine No. 11M84035760, Chassis No.
MAT448050C7A00887 in favour of the petitioner
who is owner of the said Truck seized in Kotwa P.S.*



Case No. 44/2024 registered under section 30(a), 32(2)(3), 36, 41 (i)(ii) of Bihar Prohibition and Excise Act, lying in the premises of Police Station and subject to natural decay by furnishing sufficient penalty to the satisfaction of learned District Magistrate, East Champaran.

(iii) Any other relief/s to which the petitioner is entitled in the facts and circumstances of the case.

2. In support of aforementioned relief there is no demand before the competent authority in particularly under Rule of 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, the 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 petition
stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.04.2024
Transmission Date	NA

