

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5585 of 2024

=====

Jahari Devi, W/o Late Prasadi Yadav, Resident of Village- Pesara Jhiti, P.S.-
Khaira, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Excise, Govt. of Bihar, Patna.
2. The Excise Commissioner, Patna.
3. The District Magistrate, Jamui
4. The Superintendent of Police, Jamui.
5. The S.H.O Khaira P.S., District Jamui.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Umesh Prasad
For the Respondent/s : Mr.Government Pleader (25)

=====

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

Date : 03-04-2024

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

*“(I) For a direction to the respondents
to release of Glamour Motorcycle bearing
Registration No. BR46K 4789 Chassis No. MBLJA-
W153LGH00169, Engine No. JA07ACL-GH00045
in favour of the petitioner who is owner of the said
Glamour Motorcycle which was seized in Khaira
P.S. Case No. 60/2021 dated 02.03.2021 u/s 272,*



273/34 I.P.C. and 30 (d) of Bihar Prohibition and Excise Act.

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

(iii) Any other relief or reliefs.”

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)

manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.04.2024
Transmission Date	NA

