

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6458 of 2024

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Amod Kumar, Son of Ambika Prasad Resident of Village - Mateya Khas, Police Station - Kuchaikot, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Excise, Prohibition and Registration Department, Government of Bihar, Patna.
2. The Deputy Secretary Excise, Prohibition and Registration Department, Government of Bihar, Patna.
3. The Collector, Gopalganj, District - Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. The Sub Inspector Excise, Balthari Check Post, Gopalganj, District - Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Priya Raj, Advocate
For the Respondent/s : Mr. Md. Zeeshan Kalim, 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 : 22-04-2024

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

*“(I) That this is an application for
issuance of writ(s), order(s), direction(s) upon the
respondents to release the vehicle bearing
Registration No. BR28G-5207, Mahindra Bolero
having Chasis No. MA1XA2GHKD5K67835,
Engine No. GHD4K63357 which has been seized*



in connection with Gopalganj Excise P.S. Case No. 239/2024 dated 14.03.2024 under section 30(a) of Bihar Prohibition of Excise Act 2018 in favour of the petitioner as he is the real and registered owner of the seized vehicle.”

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	23.04.2024
Transmission Date	N.A

