

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6411 of 2024

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Anup Kumar, s/o Devnath Prasad R/o village- Bhagwan Bazar, P.S.-Bhagwan Bazar, Dist.- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Excise Department Patna, Bihar
2. The Collector/ District Magistrate Saran at Chhapra
3. The Superintendent of Police Saran at Chhapra
4. The Excise Superintendent Saran at Chhapra
5. The Excise Inspector Saran at Chhapra
6. The Office-In-charge Daudpur, Saran at Chhapra

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate
For the Respondent/s : Mr.Government Advocate (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 : 22-04-2024

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

*“(I) That, this is an application for
issuance of an appropriate writ order or direction
directing the respondent concern to release the
vehicle Tempo (Auto) bearing registration No.
BR04PA0455 in favour of the petitioner which has
been seized in connection with Daudpur P.S. Case*



No. 7/2024 instituted for the offence u/s 30(a)

Bihar Prohibition and Excise Act 2016.

And for any other relief(s) for which the petitioner is found to be 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)

manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.04.2024
Transmission Date	NA

