

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6705 of 2024

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Ajay Kumar Yadav, son of Singasan Yadav, resident of Village-Mahakampur
Bara, P.S.-Muffasil, District-Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration Excise and Prohibition Department, Government of Bihar, Patna.
2. The Commissioner, Excise, Registration Excise and Prohibition Department, Government of Bihar, Patna.
3. The District Magistrate, Buxar.
4. The Superintendent of Police, Buxar.
5. The Superintendent of Excise, Buxar.
6. The S.H.O. Barhmpur Police Station, District-Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mohit Shriwastava, Advocate
For the Respondent/s : Mr. Sudama Kunwar, AC to SC-12

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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) For release of the petitioner’s
vehicle (Hero Super Splendour) bearing
Registration No. UP-54AD-3892, Chassis No.
MBLJAR030J9E65393, Engine No.
JA05EGJ9E16108 which has been seized in
connection with Barhmpur (Nanijor) P.S. Case No.*



905 / 2022 dated 24.12.2022, registered for the offences under Sections 30(a) of the Bihar Prohibition and Excise Act.

(ii) For any other relief/reliefs for which the petitioner may deem entitled to.”

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	N.A
Uploading Date	23.04.2024
Transmission Date	N.A

