

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7907 of 2024

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Mamta Devi, W/o- Anil Kumar Gupta, Resident of Ward No.- 6, Ganesh Cinema Road, Mirganj Mitha Bazar, P.S.- Mirganj, District- Gopalganj.

... .. Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Excise and Prohibition Department, Bihar, Patna.
2. The Additional Chief Secretary, Excise Department, Govt. of Bihar, Patna.
3. The Excise Commissioner, Head Quarter, Bihar, Patna.
4. District Magistrate, Gopalganj.
5. The Superintendent of Police, Gopalganj.
6. The Superintendent of Police Excise, Gopalganj.

... .. Respondents.

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Appearance :

For the Petitioner : None.
For the State : Mr. Uday Prasad, AC to GP-22.

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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 : 09-05-2024

In the instant writ petition, the petitioner has prayed
for the following relief(s):

“A. For issuance of an appropriate writ/writs, order/orders in the nature of Mandamus directing the respondents to release and discharge the property from any charges labelled on the Scotty Registration no.-BR-28-AA-8474 which has been wrongly seized by Police in



connection with Gopalpur P.S. Case No.-248/2022 on dated. 13.12.2022 registered for the offence under section 30(a) of Bihar Prohibition and Excise Act, 2018.

B. For issuance of any other relief/reliefs to which the petitioners are found entitled under the facts and circumstances of the present case.”

2. In support of the 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 instant writ petition for writ of mandamus is not maintainable or it is pre-mature. Accordingly, the instant writ petition stands disposed of as pre-mature.

4. Disposal of the instant writ 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 instant writ petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.05.2024.
Transmission Date	NA

