

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7366 of 2024

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Gauri Shankar Son of Jagannath Prasad Singh, Resident of - Mahisaur, P.S.-
Jadaha, District- Vaishali.

... .. Petitioner/s

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.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pritish Ranjan
For the Respondent/s : Mr.Government Pleader (5)

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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 : 01-05-2024

In the instant petition, 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 Car Registration No- MH-12-UW-7819 which has been wrongly seized by Police in connection with Kuchaikot P.S. Case No. 73/2024 instituted on dated 18-02-2024 for the offences alleged under Section-30(a) of the Bihar Prohibition and Excise Amendment 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. The alleged offence is stated to have been committed on 18.02.2024 and as on today, the confiscation proceedings have not attained finality. That apart, the petitioner has not approached the concerned authority in seeking release of the subject matter of the motor vehicle bearing Registration No. MH-12-UW-7819. The petitioner has remedy of submission of application under Rule 12 A of the Bihar Prohibition and Excise Rules, 2021 read with amended sub Rule 2 of Rule 12A in the year 2022 and 2023. Before invoking the aforementioned provisions and approaching the concerned authority, the petitioner has rushed to this Court. Be that as it may, even there is no representation. For seeking writ of mandamus, there must be a demand before the competent authority. At the same time, duty is cast on the concerned public authority. The first ingredient of demand before the competent authority is not forthcoming.

3. Accordingly, the present writ petition is premature and it stands disposed of as not maintainable.

4. Disposal of the present writ petition would not be a hurdle for the petitioner to invoke remedy under Rule 12 A of Bihar Prohibition and Excise Rules, 2021 including amended provisions in the year 2022 and 2023. If such application is



submitted before the competent authority in the prescribed form, the concerned authority is hereby directed to consider the petitioner's grievance within a period of two weeks from the date of receipt of such application.

5. With the above observations, the present writ petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

vashudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.05.2024
Transmission Date	NA

