

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9161 of 2024

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Rajesh Chaudhary S/o Bitoran Chaudhary, R/o Village- Bal Bangra, P.S.-
Daraunda, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary Department of Excise
Department, Govt. of Bihar.
2. The District Magistrate, Siwan.
3. The Superintendent of Police, Siwan.
4. The Officer-in-charge, Pachrukhi police station, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. K. Singh, Adv
For the Respondent/s : Mr.Standing Counsel (28)

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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 : 21-06-2024

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

*“(i) This writ application is
being filed for issuance of appropriate
writ in the nature of mandamus
commanding and direction the respondent
authorities to release the Honda Shine
moto’ bearing Registration No.
BR29AK1859 seized by Pachrukhi Police
in connection with Pachrukhi Police
station case no. 339 of 2023 registered
under section 30 (a), 41 (I) and 37 of
Bihar Prohibition Excise Act, 2016 in
favour of the petitioner or his
representative the vehicle in question has
been seized with allegedly 60.700 ltr of*



country made liquor and foreign liquor the case is presently pending in the court of learned Exclusive Special Judge, Excise, Court No. 1 Siwan.

(ii) For the issuance of any other relief/reliefs to which the petitioner may found entitled to in the facts and circumstances of the present facts and circumstances of the case in favour of the petitioner.”

2. In support of such relief there is no demand before the competent authority in particularly under Rule of 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.

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 this order.



5. With the above observation, the present petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

Jyoti/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	25.06.2024
Transmission Date	N/A

