

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9127 of 2024

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Anil Kumar Raut Son of Laxmi Raut Resident of village- Siddhivinayak Chawl Gazdhar Bandh, Patil Road, Govindnagar, P.S. Santacruz, District- Mumbai (Maharashtra), At present resident of- Habidih, P.O. Habidih, P.S.- Bachera, District- Darbhanga. Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner, Excise Saran Division, Saran at Chapra.
3. The District Magistrate, Gopalganj.
4. The Superintendent of Police, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Soni Kumari, Adv
For the Respondent/s : Mr. Government Pleader (26)

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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) For a direction to the respondent no. 3 to release of Scorpio vehicle bearing Registration No. BR07PC-1736, Chassis No. MA1TA2SJXK2M44502, Engine No. SJK4M16484 in favour of the petitioner who is owner of the said Scorpio vehicle which was seized in Gopalpur P.S. Case No. 246/2023 under section 30(a) of Bihar Prohibition and Excise Act.

(ii) For a direction to the respondent not to put the aforesaid scorpio vehicle on auction sale during pendency of this writ application.



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)

Jyoti/-

(Alok Kumar Pandey, J)

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22.06.2024
Transmission Date	N/A

