

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9110 of 2024

Radico Khaitan Ltd Rampur, Regd. Office- Bareilly Road, Rampur, UP,
Through its authorized Signatory, RAJ KUMAR SAINI, Senior Operation
Manager, Radico Khaitan Ltd. Rampur, UP, Male, aged about 41 yrs. S/O
Kripal Singh Saini, R/O 69A, Industrial Area, Near Bright Valley Public
School, Civil Lines, Ahamd Nagar, Jagir, Rampur, U.P.

... .. Petitioner/s

Versus

1. The State Of Bihar through the principal secretary, Excise Department,
Government of Bihar, Patna.
2. The Addl. Director General of Police (Prohibition), Excise Department,
Bihar, Patna,
3. The Commissioner, Excise Department, Government of Bihar, Patna
4. The District Magistrate-cum-Collector, Gopalganj.
5. The Superintendent of Police, Gopalganj.
6. The Sub-Divisional Officer, Kuchaikot, Gopalganj.
7. The S.D.J.M, Gopalganj.
8. The SHO of Kuchaikot Police Station, P.S.- Kuchaikot, District- Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate
For the Respondent/s : Mr.Government Pleader (5)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 12-08-2024

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

*"That, the present writ petition is being
filed for issuance of a writ to mandamus and
any other appropriate writ/writs, order/orders,
direction to the respondent's authority to*



release the wine/liquor seized by the Kuchaikot P.S. in connection with Kuchaikot P.S. Case no. 68/2024 dated 13-2-2024 u/s 420 of IPC and Section 30(a)/32(2)/41(1) of the Bihar Prohibition and excise Amendemnt Act, 2022 under District – Gopalganj by which a huge quantity of wine loaded in Truck bearing Regd. No. UP22BT3266 has been seized, despite a valid license of manufacturing and transporting of wine."

2. In the light 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)

alok/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	21.08.2024.
Transmission Date	N/A

