

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9293 of 2024

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Kamlesh Kumar S/o Awdhesh Singh, Resident of Village - Farahuriya, P.S.-
Paraiya, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Bihar Prohibition and Excise Department, Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Superintendent of Excise, Gaya.
4. The Superintendent of Police, Gaya.
5. The Officer in Charge, P.S., District - Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha, Advocate
For the Respondent/s : Mr.Government Pleader (24)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

2 24-06-2024 In the instant writ petition, the petitioner has prayed
for the following relief(s):

“(i) To issue an appropriate order/orders,
direction/s including a writ preferably
in nature of Mandamus commanding
the respondents to release the
vehicle/Tata Truck BR02AA-4741,
Chassis No. MAT455057F8E12486,
Engine No. 497SP68EUY617388 in
favour of the petitioner who is owner
of the said truck seized in Paraiya
P.S. Case No. 331 of 2023 registered



under section 30(a)/32(ii), 41(i) (ii) of Bihar Prohibition and Excise Act, 2018 lying in the premises of Police station and subject to natural decay of furnishing sufficient security to the satisfaction of learned District Magistrate, Gopalganj.

- (ii) Any other relief/reliefs to which the petitioner is entitled in 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, 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)

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