

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9142 of 2024

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Ramesh Singh S/o Parshuram singh, Resident of Village- Ramgarh, P.O-
Khalwa, P.S.- Nautan, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise and Prohibition, Govt. of Bihar, Patna.
2. The Excise Commissioner Government of Bihar, New Secretariat, Patna.
3. The District Magistrate-Cum-Collector, Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. The S.H.O, Uchkagaon police station

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Shahi, Adv
For the Respondent/s : Mr. Rajeev Ranjan, AC to GP 20

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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:

*“That this is an application for
issuance of writ of mandamus or other
appropriate writ(s), order(s) and
direction(s), commanding the respondent
No. 3 to release the vehicle (Mahindra
scorpio S-10) bearing Registration No.
BR-29-S-0009, Chasis No.
MA1TA2SJXE2K23444, Engine No.
SJE4K18314, seized in connection with*



unchakagaon P.S. Case No. 21 of 2024, dated 20.01.2024 registered U/S- 30 (a), 30(b) of Bihar Prohibition and Excise Amendment Act 2022, allegedly 279 liters of country made liquor was recovered from the vehicle for which no proceeding of confiscation yet to be initiated, ignoring the vehicle is lying stagnant about four months in open sky at the Uchkagaon Police Station.”

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

