

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9718 of 2024

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Rahul Raj S/O Rana Manendra Prasad Singh R/O- Survi Vihar, Shekhpura,
Dhelwan, P.S.- Sampatchak, Dist.- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through the District Magistrate, Nalanda.
2. The Superintendent of Police, Nalanda.
3. The Deputy Superintendent of Police, Nalanda.
4. The Station House Officer, Noorsarai, Dist.- Nalanda.
5. The Superintendent of Excise, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar, Adv.
For the Respondent/s	:	Mr.Sunil Kumar Mandal, SC 3
		Mr.Bipin Kumar, AC to SC 3

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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)

4 29-07-2024 In the instant petition, petitioner has prayed for the
following reliefs :

*“That the present writ petition is being filed
for issuance of appropriate writ/writs, order/orders,
direction/directions to the Respondent Authorities for
release of Deluxe Bus bearing Registration No.
BR01PC9122, Chassis No. MAT41207391J23230,
Engine no. 6BT125HP90J62792660 which has been
seized in Excise case no. 572/24 on arising out of
Noorsarai P.S Case no 118/2024 dated 18.03.2024, U/S
30(a) of Bihar prohibition and Excise Act 2018.
Confiscation proceeding has not been initiated by the*



Collector Nalanda, so your Lordships may give direction to the Respondent Authorities to release the Deluxe Bus in favor of the Petitioner bearing Registration No. BR01PC9122, Chassis No. MAT41207391J23230, Engine no. 6BT125HP90J62792660. The said Deluxe Bus has been seized by the Police along with 830.25 litres of foreign made liquor recovered from the dicky of the Deluxe bus.”

2. In support 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 this order.



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

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

mcv/-

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