

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12698 of 2024

Janardan Singh Son of Late Rameshwar Singh, Resident of Mohalla- 18,
Hanuman Tekri, Post Office and Police Station and District- Deoghar, State-
Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The District Magistrate, Begusarai, District- Begusarai, Bihar.
3. The Senior Superintendent of Police, Begusarai, District- Begusarai.
4. The Excise Inspector, Begusarai, District- Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arbind Kumar, Advocate

For the Respondent/s : Mr.Government Pleader 26

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

Date : 31-08-2024

In the instant petition, petitioner has prayed for the
following reliefs:-

*“That, this is an application for issuance
of appropriate writ(s)/ direction(s) to the
Respondents for release of the vehicle of the
petitioner in his favour which is a Truck (Full
Body) bearing Registration No. NL01AB0368,
Engine No. 71J84469152, Chassis No. MAT*



466602 H5J 13332 which has been seized in connection with Nowkothi Police Station Case No. 188 of 2023 dated 28.12.2023 for the offences punishable under Section 120(B) of Indian Penal Code and 30(a), 32, 41 Bihar Prohibition and Excise Act 2016 and for which a Confiscation proceeding is pending in the Court of learned the District Magistrate, Begusarai till date.”

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 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	05.09.2024.
Transmission Date	N/A

