

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9137 of 2024

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Binod Kumar Son of Sitaram Prasad, Resident of Village- Tetariya- Khurd,
P.S.- Barachatti, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Bihar, Patna.
2. The District Magistrate, Gaya, Bihar.
3. The Senior Superintendent of Police, Gaya, Bihar.
4. The Officer Incharge, Barachatti Police Station, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar Singh, Adv
For the Respondent/s	:	Mr. Government Pleader (2)

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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:

*“(i) That this is an appliaction
for issuance of appropriate writ(s),
direction(s) to the respondent for release
of the vehicle of the petitioner in his
favour which is one Glamour Motorcycle
bearing Registration No BR02V- 0720*



Chasis No. MBLJA06AFDGH00869 and Engine No. JA06ELDGH00842 which has been seized in Barachatti P.S. Case No. 186/2024 dated 27.03.2024 instituted for the offence U/ss 30 (a) of Bihar Prohibition and Excise Act, 2016 on 27.03.2024 and for which neither any Confiscation proceeding has been initiated nor any notice in this regard has been issued or served to the petitioner till date.”

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

