

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9135 of 2024

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Kanchan Kumari Wife of Neeraj Kumar Thakur Resident of village- Kanchan Logistics Flat No. 5-B, First Floor, DDA Janata Flats, Near Terminal Mangalpuri, New Delhi 110045.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary of the Excise Department, Bihar at Patna.
2. The Excise commissioner, Bihar Patna.
3. The District Magistrate, Kaimur at Bhabua.
4. The superintendent of Police, Kaimur at Bhabua.
5. The superintendent of Excise, Kaimur at Bhabua.
6. The Investigating officer of police station Durgawati, District-Kaimur at Bhabua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Adv
For the Respondent/s : Mr. Sanjay Kumar, AC to GP 23

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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) To issue an appropriate writ, order or directions including a writ in the nature of mandamus commanding the respondents to release the seized vehicle bearing its Reg No. DL1MA7582, Engine No. E416NCMG355558, Chassis No. MC2EBKRC0MG493795, Model 2021, arising out of Durgawati P.S. Case



No. 217 of 2023 relates to the petitioner which is seized without proper reason.

(ii) To issue an appropriate writ/order/direction the respondents not to take any coercive measures against the petitioner.

(iii) and/or other writ order or direction may be issued in which the petitioner is entitled to.

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

