

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9160 of 2024

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Rita Devi @ Rita Kumari Wife of Sriram Pandit @ Lakhman Pandit Resident
of Village Dumra, Police Station-Jamo, District-Siwan, Bihar, PIN Code-
841416.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Home (Police) Department,
Government of Bihar, Patna.
2. The Principal Secretary, Excise and Prohibition, Department, Government of
Bihar, Patna.
3. The District Magistrate, Gopalganj, Bihar.
4. The Superintendent of Police, Gopalganj, Bihar.
5. The S.H.O.-Cum-Officer-in-charge of Baikunthpur Police Station, District-
Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Roy, Adv
For the Respondent/s	:	Mr. S. Raza Ahmed, AAG 5
	:	Mr. Alok Ranjan, AC to AAG 5

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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 the present writ
application has been preferred for issunce
of writ of Mandamus commanding the
Respondent to release the Silver Colour
Honda shine Motorcycle having
Registration No. BR-29R-1267, Engine
No. JC36E73145951, Chasis No.*



ME4JC36JLD7701496 which has been seized by the Respondent in connection with Baikunthpur Police Station Case No. 56 of 2024 dated 02.03.2024 registered for the alleged offence under Section 30 (a) of Bihar Prohibition & Excise Amendment Act, 2022 and for issuance of other appropriate writ/writs, direction/directions, order/orders in the fact and circumstances of this case.”

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

