

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11174 of 2024

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Sandeep Kumar Singh @ Sandeep Singh son of Sri Anil Singh, resident of Village- Rajabhar, Ward No. 03, P.O.- Rajabhar, P.S.- Majhauria, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate, West Champaran at Bettiah.
3. The Superintendent of Police, West Champaran at Bettiah.
4. The Superintendent of Excise, West Champaran at Bettiah.
5. The Station House Officer, Majhauria P. S., West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sharad Kumar Verma
For the Respondent/s : Mr.Government Advocate (13)

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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 : 02-08-2024

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

“That this is an application for issuance of an appropriate writ/order/direction, particularly in nature of mandamus, for directing the Collector, West Champaran at Bettiah, to release Bolero Vehicle bearing Registration No. BR-22P-8015, which was illegally seized in connection with Majhauria P.S. FIR No. 07



of 2022 dated 03.01.2022 registered under Section 30 (a) (d) of the Bihar Prohibition and Excise Act, 2016, for alleged recovery of 08.280 litres of foreign liquor from the said vehicle in respect of which, no confiscation-proceeding has yet been initiated, perhaps for the reason that no seizure-list was prepared with respect to the alleged recovery.”

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	08.08.2024.
Transmission Date	N/A

