

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11634 of 2024

Sarita Devi W/o Ramashish Yadav, R/o Village- Jay Nagar, Basadhi Police Station- Mohanpur, Bodh Gaya District- Gaya, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Excise Patna
2. The District Magistrate, Gaya
3. The Superintendent of Police, Gaya
4. The Asstt. Commissioner Excise, Police Gaya
5. The Police Inspector Barachatti, Gaya

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Yadav
For the Respondent/s : Mr.Hitesh Suman Ac to SC 13

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 12-08-2024

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

To direct the respondent no. 2 to release vehicle Hero Splendor Pro Motor cycle Registration No. BR-02-Y-8369 in the favour of petitioner which was seized in Barachatti P.S. Case No. 57/2024 dated 23.01.2024 which was instituted under Section 30(a) Bihar Prohibition and Excise Act, 2018.

(ii) Any other order or orders which found fit and proper for the end of Justice.

2. In support of aforementioned relief, there is no demand before the competent authority in particularly under Rule 12 A



of the Bihar Prohibition and Excise Rules, 2021 read with amended sub Rule 2 of Rule 12 A 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 12 A 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)

vashudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.08.2024
Transmission Date	NA

