

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11574 of 2024

Manjubala Singh Wife of Ram Kirti Singh, Resident of Village- Rajwari
Kadipur, P.S.- Pindara, District- Varanasi, U.P.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary of the Excise Department, Bihar at Patna.
2. The District Magistrate, Kaimur.
3. The Superintendent of Police, Kaimur.
4. The Superintendent of Excise, Kaimur.
5. The Sub Divisional Officer, Mohaniya, Kaimur.
6. The Investigating Officer, Police Station- Mohaniya, District- Kaimur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Singh
For the Respondent/s : Mr.Gyan Prakash Ojha (GA-7)

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:-

(i) To issue an appropriate writ, order or directions including a writ in the nature of mandamus in Mohaniya P.S. Case No. 319 of 2024 and issuance a writ order or direction including a writ in the nature of mandamus commanding the respondents to release the seized vehicle bearing its UP65DD6590 (TATA NEXON Car) Engine No-1.5CRAIL01FRYW24802 Chassis No-MAT627162JLF27991 which was seized in arising out of Mohaniya P.S. Case No. 319 of 2024 relates to



the petitioner has been confiscated without proper reason and further quash the order passed by S.D.O. Mohania in Consf. Case No-77 of 2024 dated 21.06.2024.

(ii) To issue and appropriate writ/order/direction directing the respondents take no any action against vehicle during pendency of this writ petition.

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

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

