

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11353 of 2024

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Digri Ram Son of Mundrika Ram, Resident of Village- Majhaulia, P.S. -
Vijayepur, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Govt. of Bihar, Patna.
2. The District Magistrate Cum-Collector, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Police Inspector Vijayepur Police Station, District Gopalganj.
5. The Investigating Officer of Vijayepur P.S. Case No. 52/2024, Bhore Police
Station, District Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Dubey
For the Respondent/s : Mr.Government Pleader (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 : 02-08-2024

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

(i) A writ in the nature of mandamus or any other appropriate write order/orders, direction/directions to com commanding the respondent to release, Bajaj Platina Motorcycle bearing Registration No. UP-52S-4822, Chassis No. MD2DDDDZZTPK07938, Engine No. DZUBTK62762 in favour of the petitioner which has been seized earlier in connection with Vijayepur P.S. Case No. 52/24 registered for the offences under Section 30(a) Bihar Prohibition and Excise (Amendment) Act 2016 dated 14.03.2024 forth with:-

(ii) To any other relief/reliefs for with petitioner is found in titled 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 petitioner 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	07.08.2024
Transmission Date	NA

