

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11772 of 2024

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Shamaprabhu Pandit S/o Jai Pandit Resident of Village-Nechua Jalalpur, P.S.-
Kuchaikote, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Bihar Prohibition and Excise Department, Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Officer in Charge of Excise Police Station, District-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Saurabh Kumar
For the Respondent/s : Mr.Standing Counsel (8)

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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 : 30-08-2024

In the instant petition, petitioner has prayed for the following

relief:-

For issuance of appropriate writ in the nature of mandamus & certiorari for commanding and directing the respondent authorities to release the Hero Splendor Pro Motorcycle of the petitioner bearing Reg. no. BR28F1940 and having Chesis no. MBLHA10ASCHG27740, Engine no. HA10ELCHG27912, seized by Gopalganj Excise Police, Gopalganj in connection with Gopalganj P.S. Excise case no. 338/24 registered u/s 30(a) of Bihar Excise Amendment Act 2018, in favor of the petitioner or his representative.

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	31.08.2024
Transmission Date	NA

