

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.12800 of 2024**

Parvej Alam Son of Naseem Ansari Resident of Village-157, Padari P.O. Kath  
Kuiya P.S. Padrauna District Kushinagar, (Uttar Pradesh).

... .. Petitioner/s

Versus

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

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Dhramveer  
For the Respondent/s : Mr. Government Pleader (11)

**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**

**and**

**HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**

**ORAL JUDGMENT**

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

**Date : 31-08-2024**

In the instant petition, petitioner has prayed for the following

relief:-

*That this writ application is being filed on behalf of the petitioner for direction/directions upon the Respondents to release the Bajaj KTM Duke motorcycle of the petitioner bearing Reg No. UP-57BM-4804, Chesis No. MD2JPCXC3PN004228, ENGINE No. P-93638200 which is seized in connection in Gopalpur P.S. Case No. 06 of 2024, dt. 10.01.2024, U/S 30(a) of the Bihar Prohibition & Excise Amendment Act, 2022.*

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/-

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|-------------------|------------|
| AFR/NAFR          | NA         |
| CAV DATE          | NA         |
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