

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14400 of 2024

Chhotelal, Son of Suryanath Yadav, resident of Village- Barthi Parasia, P.S.-
Barthi, District- Deoria (U.P.).

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Excise
Department, Government of Bihar, Patna.
2. The District Magistrate, Muzaffarpur.
3. The Superintendent of Police, Muzaffarpur.
4. The Officer-in-charge, Saraiya Police Station, Muzaffarpur.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the Respondent/s : Mr. Standing Counsel (8)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 19-11-2024

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

*“(a) This writ application is being filed for
issuance of appropriate writ in the nature of
mandamus commanding and directing the
respondent authorities to release the Mahindra
Pickup (White) bearing Registration No. BR29GB-
9063 seized by Saraiya police in connection with
Saraiya police station case no. 220 of 2024*



registered under Sections 272, 273 and 34 of Indian Penal Code and section 30(a), 32(2), 32(3), 36, 41(1), 41(2) of Bihar Prohibition Excise Act, 2016 in favour of the petitioner or his representative the vehicle in question has been seized with allegedly 1010.16 ltr. of foreign liquor the case is presently pending in the court of learned Exclusive Special Judge, Excise, Court No.II Muzaffarpur.

(b) For issuance of any other relief/reliefs to which the petitioner may found entitled to in the facts and circumstances of the present facts and circumstances of the case in favour of the petitioner.”

2. In support of aforementioned relief there is no demand before the competent authority in particularly under Rule of 12A of the Bihar Prohibition and Excise Rules, 2021 read with amended Sub-Rule 2 of Rule 12A 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 12A 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. If the confiscation of the vehicle has attained finality, in that event, petitioner is at liberty to prefer an appeal before the appropriate authority.

6. With the above observation, the present petition stands disposed of.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

manish/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A
Uploading Date	20.11.2024
Transmission Date	N.A

