

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12801 of 2024

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Nitesh Kumar Gupta S/O Sanjay Kumar Shah, Resident of Village Kanakpur,
P.S. Dighwara, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise and Prohibition Department, Bihar, Patna.
2. The Additional Chief Secretary, Excise Department, Govt. of Bihar, Patna.
3. The Excise Commissioner, Head Quarter Bihar, Patna.
4. District Magistrate, Saran.
5. The Superintendent of Police, Saran.
6. The Superintendent of Police Excise, Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Vijay Shanker Tiwari Mr. Sumit Kumar Jha Ms. Rakchika Shekhar
For the Respondent/s	:	Mr.Government Pleader (3)

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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 : 31-08-2024

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

A. For issuance of an appropriate writ/writs, order/orders in the nature of Mandamus directing the respondents to release and discharge the SWIFT DZIRE from any charges labelled on the SWIFT DZIRE Registration no.- BR-31-AL-3835 which has been seized by Police in connection with Dighwara Town P.S. Case No.-61/2024 on dated 10.03.2024 registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

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	09.09.2024
Transmission Date	NA

