

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12942 of 2024

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Poonam Devi w/o Manoj Kumar Soni, R/o Village- Mirganj Main Road Ward No.04, Narainian, P.S. - Mirganj, Dist. - 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, Gopalganj, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Harendra Prasad
For the Respondent/s : Mr.Government Advocate (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:-

For This civil writ application is being filed for commanding and directing the respondent authorities to release the Bajaj Pulsar of the petitioner bearing Reg no. BR28AD-7824 and having Chesis no. MD2B54DX2RCK-091 1 1, Engine no.- PDXCRK73926, seized by Excise Police Station Gopalganj in connection with Gopalganj Excise P.S case no. 313/24 registered u/s- 30(a) of Bihar Excise Act, in favor of the petitioner or his representative

b. Any other relief/s to which the Petitioner is entitled in the facts and circumstances of the case

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	NA
CAV DATE	NA
Uploading Date	09.09.2024
Transmission Date	NA

