

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14327 of 2024

=====

Laxman Singh Dhaked S/o Vishambhar Dayal Dhaked, R/o- 33A, Dadu
Coloney Jagatpura, P.S.- Jagatpura, Dist- Jaipur, Rajasthan.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Excise and Prohibition Department,
Govt. of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Gopalganj, Bihar.
4. The Superintendent of Police, Gopalganj, Bihar.
5. The Superintendent of Excise, Gopalganj, Bihar.
6. The SHO, Excise Police Station, Kuchaikote, Bihar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Sudhanshu Prakash, Adv.
For the Respondent/s	:	Mr. S.D Yadav, AAG-9
	:	Mr. Braj Bhushan Mishra (AC to AAG9)

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 26-09-2024

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

" (i) For issuance of a writ of
Mandamus or any other appropriate
order/orders, direction/directions
directing the respondents to release the
vehicle of the petitioner which is a
Gravity 14074Grey coloured SELTOS
Car having Registration No. DL-10-CP-
7322, Engine No. G4FLMV136434 and
Chassis No. MZBEP812LMN212205
which has been seized by the State
officials under the Kuchaikote P.S. Case



No. 277/2024 u/s 30(a) of the Bihar Prohibition and Excise (amendment) Act, 2018;

(ii) For direction may be given for disposal of present case in light of the Hon'ble Patna High Court's decision in Sunaina Vs State of Bihar (CWJC No. 7920/2023) and Binit Kumar Son Vs The State of Bihar (CWJC No. 4040/2023) case."

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

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

Amandeep/Alok

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.09.2024
Transmission Date	NA

