

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13769 of 2024

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Ali Akhtar Miyan, Son of Kalam Miyan, Resident of Village- Batardeh, P.S.-
Barauli, District- Gopalganj.

... .. Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Govt. of Bihar, Patna.
2. The District Magistrate Cum-Collector, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The S.H.O. Gopalpur Police Station, District Gopalganj.
5. The Investigating Officer of Gopalpur P.S. Case No. 53/2024, Gopalpur
Police Station, District Gopalganj.

... .. Respondents.

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Appearance :

For the Petitioner	:	Mr. Pankaj Kumar Dubey, Advocate.
For the State	:	Mr. Raghwanand, GA-11.
		Mr. Prabhat Kumar, AC to GA-11.

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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 : 13-09-2024

In the instant writ petition, the petitioner has prayed
for the following relief(s):

- “(i) A writ in the nature of mandamus or
any other appropriate writ order/
orders, direction/directions to
commanding the respondent to release,
Hero Splender Motorcycle bearing
Registration No.BR-28X-5632,
Chassis No.MBLHAW122LHK01729,
Engine No.HA11EYLHK01774 in



favour of the petitioner which has been seized earlier in connection with Gopalpur P.S. Case No.53/24 registered for the offence under section 30(a) Bihar Prohibition and Excise (Amendment) Act 2022 dated 09.03.2024 forthwith.

(ii) To any other relief/reliefs for which petitioner is found entitled to.”

2. In support of the 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 instant writ petition for writ of mandamus is not maintainable or it is pre-mature. Accordingly, the instant writ petition stands disposed of as pre-mature.

4. Disposal of the instant writ 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 instant writ petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.09.2024.
Transmission Date	NA

