

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13686 of 2024

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Israr, S/o Insaf Ali, R/o Village-Bajheda Kala, P.O.-Dhaulana, P.S.-Kapoorpur,
Dist.-Hapur, Utter Pradesh.

... .. Petitioner.

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, Kuchaikote Police Station, Gopalganj, Bihar.

... .. Respondents.

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Appearance :

For the Petitioner : Mr. Md Danish Quamar, Advocate.
For the State : Mr. Additional Advocate General (12).

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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. For issuance of a writ in the any other
appropriate order/orders, direction/
directions directing the respondents to
release the vehicle of the petitioner
which is D.C.M. Truck having
Registration No.UP-37-AT-8554,
Engine No.-E426CCND389999 and
Chassis No.MC2ESLRC0ND206590



which has been seized by the State officials under the Kuchaikote P.S. Case No.117 of 2024 U/s 30(a)/32(2)/41(1) of the Bihar Prohibition and Excise Amendment Act, 2022 dated 18.03.2024, and for any other relief. The petitioner has been in serious trouble as the said vehicle of the petitioner has been kept idle. In these conditions, the intervention of this Hon'ble Court is warranted in the interest of justice.

And/or

Pass such other order/orders, relief/reliefs for which the petitioner may be entitled in the eyes of law.”

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

