

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14324 of 2024

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Jayant Jhamani S/o Narendra Jhamani, R/o - L.I.G 491, Padmanabhpur, Ward
No.- 46, Durg, P.S. - Durg, Dist.- Durg, Chhatisgarh.

... .. 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, Saran, Bihar.
4. The Superintendent of Police, Saran, Bihar.
5. The Superintendent of Excise, Saran, Bihar.
6. The SHO, Excise Police Station, Doriganj, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sudhanshu Prakash, Adv.
For the Respondent/s : Mr. Gyan Prakash Ojha, (GA-7)

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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 : 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 Pearl
Arctic White coloured ERTIGA Car
having Registration No. TG-07-C-5697,
Engine No- K15CN7394628 and Chassis
No. MA3BNC72SRC772397 which has
been seized by the State officials under
the Doriganj P.S. Case No. 148/2024 u/s



30(a)/41(1) of the Bihar Prohibition and Excise (amendment) Act, 2022;

(ii) For direction may be give for disposal of present case in light of the Hon'ble Patna High Court's decision in ***Sunaina Vs State of Bihar*** (CWJC No. 7920/2024)"

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

