

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14074 of 2024

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Ajay Kumar Singh Son of Late Shiv Kumar singh Resident of Village- Sathi,
P.S.- Uchkagaon, District- Gopalganj.

... .. Petitioner/s

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. Uchkagaon Police Station, District- Gopalganj.
5. The Investigating Officer of Uchkagaon P.S. Case No.- 207/2024,
Uchkagaon Police Station, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey, Adv.
For the Respondent/s : Mr. Government Pleader (4)

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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) A writ in the nature of
mandamus or any other appropriate write
order/orders, direction/directions to com
commanding the respondent to release,
Hero Splender Motorcycle bearing
Registration No. BR-28Q-2251, Chassis
No. MBLHA10 CGGHG12444, Engine
No. HA10ERGHG 65480 in favour of
the petitioner which has been seized
earlier in connection with Uchkagaon



P.S. Case No. 207/24 registered for the offence under section 30(a) Bihar Prohibition and Excise (Amendment) Act 2022 dated 04.07.2024 forth with:-

(ii) To any other relief/reliefs for with petitioner is found in titled to."

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

