

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15661 of 2024

Nakul Mandal, Son of Lachhu Mandal, Resident of Village-Kalipathar, P.S.
Fatehpur, District-Jamtara (Jharkhand).

... .. Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Department of Prohibition and Excise, Govt. of Bihar, Patna.
2. The District Magistrate, Bhagalpur.
3. The Superintendent of Excise, Bhagalpur.
4. The S.H.O./Officer- in- Charge, Excise Police Station, Sadar, Bhagalpur.

... .. Respondents.

Appearance :

For the Petitioner : Mr. Dhramveer, Advocate.

For the Respondent : Mr. Md. Harun Quareshi, AC to SC-1.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 26-10-2024

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

“For direction/directions upon the Respondents to release the seized vehicle, i.e. Mahindra Bolero Pick-Up, bearing Reg. No.JH15N-2323, CHESIS NO.MA1ZN2GHKGID40221, Engine No.GHGD27825, which was seized in connection with Excise Sadar F.I.R. No.115 of 2024 dt. 07.02.2024, U/S 30(a) of Bihar Prohibition & Excise Amendment Act, 2018.”

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)

(S. B. Pd. Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.10.2024
Transmission Date	NA

