

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16029 of 2024

Mukesh Kumar, S/o Rajkishor Prasad, Resident of Village and P.O.-
Purandarpur, P.S.- Goreakothi, District- Siwan.

... .. Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Bihar Prohibition and Excise Department, Bihar, Patna.
2. The District- Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Officer in Charge of Baikunthpur Police Station, District- Gopalganj.

... .. Respondent.

Appearance :

For the Petitioner : Mr. Saurabh Kumar, Advocate.

For the State : Mr. Kameshwar Kumar, GP-17.

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 issuance of appropriate writ in the nature of mandamus & certiorari for commanding and directing the respondent authorities to release the Honda Grazia DLX of the petitioner bearing Reg. no.BR29AR8781 and having Chesis no.ME4JF994HMW014580, Engine no.JF99EW0097164, seized by Baikunthpur police, Gopalganj in connection with Baikunthpur P.S. case no.176/24 registered u/s 30(a) of Bihar Excise Amendment Act 2022, in favor of the petitioner or his representative.”

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)

manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.10.2024
Transmission Date	NA

