

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16045 of 2024

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Debenadar Pandey S/o Bachendra Pandey Resident of Village- Paharpur,
Semra P.S.- Gopalpur, District- Gopalganj.

... .. Petitioner/s

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 Gopalpur Police Station, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Saurabh Kumar, Advocate
For the State	:	Mr. Sita Ram Yadav, AC to GP 16

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

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

2 26-10-2024 In the instant writ petition, petitioner has prayed for
the following reliefs:

“a. For issuance of appropriate writ in the nature of mandamus and certiorari for commanding and directing the respondent authorities to release the Honda Livo of the petitioner bearing Reg. No. BR28S5926 and having Chesis No. ME4JC715KHT085484, Engine No. JC71ET1133110, seized by Gopalpur police, Gopalganj in connection with Gopalpur P.S. Case No. 89/24 registered u/s 30 (a) of Bihar Excise Amendment Act 2022, in favor of the petitioner or his representative.



b. For the issuance of any other relief/reliefs to which the petitioner may found entitled to in the facts and circumstances of the case in favour of the petitioner.”

2. In support of aforementioned reliefs, there is no demand before the competent authority, in particularly, under Rule 12 A of the Bihar Prohibition and Excise Rules, 2021 read with amended Sub-Rule 2 of Rule 12 A in the year 2022 and 2023.

3. In the absence of demand before the competent authority, the present writ petition for issuance of writ of Mandamus, is not maintainable or it is premature. Accordingly, the present writ petition stands disposed of as premature.

4. Disposal of the present writ petition would not be a hurdle for the petitioner to invoke remedy under Rule 12 A of the 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. If the confiscation of the vehicle has attained



finality, in that event, petitioner is at liberty to prefer an appeal
before the appropriate authority.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

GAURAV S./-

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