

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17549 of 2023

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Manoj Ray, S/o Ramashankar Ray, R/o Semaria, P.S.- Kateya, District-
Gopalganj, Bihar.

... .. Petitioner.

Versus

1. The State of Bihar, through Additional Chief Secretary Excise and Prohibition Department, Govt. of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Gopalganj, Bihar.
4. The Superintendent of Police, Gopalganj, Bihar.
5. The Superintendent of Excise, Gopalganj, Bihar.
6. The SHO, Gopalganj, Police Station, Gopalganj, Bihar.

... .. Respondents.

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Appearance :

For the Petitioner : Mr. Sumit Shekhar Pandey, Advocate.
For the State : Mr. Vikash Kumar (SC-11).

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 15-01-2024

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

- “i. For issuance of a writ in the any other appropriate order/orders, direction/ directions directing the respondents to release the vehicle of the petitioner which is a black coloured Pulsar motorcycle having Temporary Registration Mark No.T0523UP8666C, Engine No.PDXCNG60033 and Chassis



No.MD2B54DX1NCG37863 which has been seized by the State officials under the Kateya P.S. Case No.304/2023 u/s 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018; And/or

- ii. For any other order/orders, relief/reliefs for which the petitioner may be entitled in the eyes of law.”

2. The present writ petition is not supported by demand before the competent authority so as to issue writ of mandamus. That apart, the petitioner has statutory remedy of submission of application under sub Rule 2 of Rule 21 of the Bihar Prohibition and Excise Act, 2021 read with amended Rules 2022 and 2023. Therefore, the present writ petition is not maintainable. That apart, there is not even representation submitted before the concerned authority for issuance of writ of mandamus.

3. Accordingly, the present writ petition stands disposed of as pre-mature.

4. Disposal of the present writ petition would not be a hurdle for the petitioner to invoke statutory remedy available to him under sub Rule 2 of Rule 12A of the Bihar Prohibition and Excise Rules, 2021 read with amended Rules 2022 and 2023. If such application is submitted in the prescribed form



before the competent authority, the competent authority shall pass a detailed speaking order within a period of two weeks from the date of receipt of such application.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.01.2024.
Transmission Date	NA

