

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.48 of 2024

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Ujjal Kumar Singh @ Ujjwal Kumar Singh, aged about 24 years, Male, Son
of Kedar Singh, Resident of Village- Bangra, P.S.- Barauli, District-
Gopalganj.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the Respondent/s : Mr. Vivek Prasad, GP 7

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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 : 05-02-2024

In the instant petition, the petitioner has prayed for the
following reliefs:

*(a) For issuance of appropriate writ in
the nature of mandamus commanding and
directing the respondent authorities to release the
Tata Punch of the petitioner bearing Reg. No.
BR28AB6976 seized by the Barauli police in
connection with Barauli police station Case No.
198 of 2023 registered under Section 30(a) and
41 of Bihar Prohibition Excise Act, 2022, in*



favour of the petitioner or his representative, the vehicle in question has been seized with allegation that 125.100 ltr. foreign liquor from the dicky and Bonat of the vehicle, the case is presently pending in the court of Addl. District and Sessions Judge-II-cum-Special (Excise), Gopalganj.

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

2. In support of the above relief there is no demand before the competent authority in particularly under Rule of 12 A 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.

4. Accordingly, the present petition stands disposed of as pre-mature. 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 and communicate the decision to petitioner at the earliest.

5. With the above observation, the present petition stands disposed of.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

Anand Kr.

AFR/NAFR	
CAV DATE	
Uploading Date	07.02.2024
Transmission Date	

