

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17752 of 2024

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Umesh Prasad @ Umesh, Son of Budhu Yadav Resident of Village-
Kamdarjang, P.S.- Silao, District- Nalanda.

... .. Petitioner

Versus

1. The State of Bihar.
2. The Director General of Police, Gov. of Bihar, Patna.
3. The Inspector General, Munger Range, Munger.
4. The District Magistrate cum Collector, Sheikhpura.
5. The Superintendent of Police, Sheikhpura, District- Sheikhpura.
6. The Dy. SP, Sheikhpura, District- Sheikhpura.
7. The Officer in Charge of Police, Sheikhpura, District- Sheikhpura.
8. The Superintendent Excise Department, Sheikhpura, District- Sheikhpura.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar, Advocate
For the Respondent/s	:	Ms. Anuradha Singh, SC-21
		Mr. Rakesh Prabhat, AC to SC-21
		Ms. Shatabudi Sinha, AC to SC-21

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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 : 28-11-2024

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

*“(i) For the issuance of an appropriate writ
in the nature of mandamus commanding and
directing the respondent’s authorities to release the
vehicle of the petitioner bearing registration no.*



BR-21P-9375 which has been seized in Sheikhpura P.S. Case No. 153 of 2024 attributing offences under section 30(a), 32 and 41 of the Bihar Prohibition and Excise Act, 2022.

(ii) For issuance of any other writ/writs, order/orders, direction/directions, for which the petitioner shall be found entitled under the facts and circumstances of the case as stated herein below for the ends of equitable justice.”

2. In support of 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 present writ petition for writ of mandamus is not maintainable or it is pre-mature. Accordingly, the present petition stands disposed of as pre-mature.

4. 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.

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.

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

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.11.2024
Transmission Date	NA

