

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18825 of 2024

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Dhananjay @ Dhananjay Rai, Male, aged about 33 years, Son of Banka Rai,
resident of Village-Daniari, P.S.-Tarya Sujan, District-Kushinagar, U.P.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner, Excise, Government of Bihar,
Vikash Bhawan, Patna.
2. The Collector-cum-District Magistrate, Gopalganj.
3. The Superintendent of Excise, Gopalganj.
4. The Station House Officer, Gopalpur Police Station, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anand Vardhan, Advocate
For the Respondent/s : Mr. Standing Counsel (23)

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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 : 18-12-2024

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

*“I. For issuance of writ in the nature
of Mandamus or any other appropriate writ(s),
order(s), directions to the respondent authorities
to release the vehicle of the petitioner bearing
Registration No. UP57AT6502 Bolero Pick-up
FB MS 1.3T having Chasis no.
MA1ZN2TNKL5K17186 and Engine no.
TNL4K84104 which was seized by the police in*



Gopalpur P.S. Case no. 67 of 2024 registered for offence under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act 2022.

II. For issuance of any other appropriate writ(s), order(s), direction(s) for which the petitioner is entitled in the facts and circumstances of the case.”

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. 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)

Anand Kr.

AFR/NAFR	NAFR
CAV DATE	NA
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