

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1627 of 2024

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Sunil Kumar Kushwaha Son of Bidya Bhagat Resident of Village Batardeh
Barauli Police Station-Kuchaikote, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Siwan.
4. The Superintendent of Police, Siwan.
5. The Superintendent of Excise, Siwan.
6. The S.H.O. Mairwa Police Station District-Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Advocate
For the Respondent/s : Mr.Addl. Advocate General 12

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

3 22-02-2024 In the instant petition, petitioner has prayed for the
following relief:-

For issuance of a writ in the nature of mandamus or any other appropriate writ or writs directing the respondents to release the Tata Magic Pick-Up vehicle of the petitioner, bearing registration No. BR28GA-3820, Engine No. 275IDI07NRYSH7622, Chassis No. MAT445553JVN74107 belongs to the petitioner, which has been seized in Mairwa Police Station Case No. 197 of 2023 registered for the offence



under section 30(a) of the Bihar Prohibition and Excise Act, 2016 for the alleged recovery of 319.680 litres Indian made foreign liquor for which neither the notice has been issued for initiation of confiscation proceeding nor confiscation proceeding has been initiated till date so far the best of knowledge of the petitioner.

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 such application.

5. With the above observations, the present C.W.J.C.
No. 1627 of 2024 stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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