

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1620 of 2024

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Sonu Kumar, aged about 23 years, Male Son of Mahendra Paswan, Resident of Village- Darapatti Jain Khurd, P.S- Muzaffarpur, District- Muzaffarpur.
... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary Excise Department, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Siwan.
4. The District Magistrate-cum-Collector, Siwan.
5. The Dy. Superintendent of Police, Siwan.
6. The S.H.O. Muffasil, P.S.- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Kumari Anupam, Advocate
For the Respondent/s	:	Mr. Subhash Prasad Singh, GA 3 Mr. Indeshwari Prasad Mandal, AC to GA 3

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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 : 31-01-2024

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

“i. Releasing of Car Maruti from ISS Delta registration no. BR-01HH 1043 Chasis No. MBHKWD13SPG134216, Engine No. K12NP7309009 seized in connection with Siwan Muffasil P.S. Case No. 550/2023 instituted u/s 30(a) of the Bihar Prohibition and Excise Act, 2016, awaiting confiscation.”

2. In support of such 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 this order.

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	

