

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.771 of 2024

Vir Bahadur Pandey @ Bir Bahadur Pandey son of Late Baliram Pandey,
Resident of village- Bankatwa, Police Station- Paharpur, District- East
Champaran (Motihari).

... .. Petitioner/s

Versus

1. The State of Bihar Through its Secretary, Department of Prohibition and Excise Act, Government of Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The S.H.O., Jadopur P.S., Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Lokesh Singh, Advocate
For the Respondent/s : Mr. Prabhakar Thakur, A.C. to G.A. 13

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

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

2 19-01-2024 In the instant petition, petitioner has prayed for the
following relief:

This is an application for issuance of an appropriate writ and / or order and / or direction commanding the respondents to release the New Holland Plus Tractor (Model No. 3037) bearing Registration No. BR 22 GC 0215 (Chasis No. NHN 303702NH623916 and Engine No. 5325M78099) which has been seized by Jadopur P.S. in pursuant to lodging of an F.I.R. bearing Jadopur P.S. Case No. 100 of 2023 for the offence under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.



2. For issuance of writ of Mandamus there must be demand before the competent authority such a demand is not forthcoming. Therefore, the present petition is premature. Accordingly petition stands disposed of.

3. Disposal of the present petition would not be a hurdle for the petitioner to invoke Rule 12 – A of Rules 2021 read with amendment of the aforementioned Rules in the year 2022 – 2023. If the petitioner submits application in the prescribed form, the same shall be considered by the competent authority within a period of two weeks from the date of receipt of such application.

4. With the aforesaid observation, petition stands disposed of.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

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