

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1695 of 2024

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Anurag Kumar Singh, Male, aged about 27 years, Son of Loknath Singh,
Resident of Ward no-8, near Bajar Samiti, Babu Tola, Banjariya, P.S.-
Banjariya, Distric- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Government of Bihar, Patna.
2. The District Magistrate East Champaran, Motihari.
3. The Superintendent of Police East Champaran, Motihari.
4. The Officer- Incharge of Town Police Station Motihari, District East
Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate
For the Respondent/s : Mr. GA 5

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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:

*“That this writ application is being
filed for issuance of an appropriate writ(s),
order(s), direction(s) directing upon the
respondents to release the vehicle i.e., TVS
Apache motorcycle bearing Registration No.
BR05AQ-4024, Chasis No.
MD637ET10M2D00489, Engine No.
DT1DM2100355 which has been seized in
connection with Motihari Town P.S. Case No.
440/22 dated 26.06.2022 for the offences u/s
30(a) of Bihar Prohibition and Excise Act.”*



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	

