

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19128 of 2024

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Mahendra Yadav, Son of Late Hari Yadav Resident of Village- Baiju Bigha,
Police Station- Bodhgaya, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Excise Prohibition and Registration, Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate cum Collector, District- Gaya.
4. The Senior Superintendent of Police, Gaya.
5. The Sub-Divisional Police Officer, Bodhgaya.
6. The Circle Officer, Bodhgaya.
7. The S.H.O., Bodhgaya Police Station, Gaya.
8. Rahul Kumar, Son of Sidheshwar Yadav Resident of Village- Bara, Post Office- Sahdeo Khap, P.S.- Magadh University, Bodhgaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ujjawal Kumar Singh, Advocate
For the Respondent/s : Mr. Sanjay Kumar, A.C. to G.P.-23

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 17-01-2025

Subject-matter of premises is stated to have been seized for the alleged offences under the Excise Act and NDPS Act. Therefore, the office objection relating to maintainability of the petition stands overruled.

2. With the consent of learned counsels for respective parties, the matter is taken up for final disposal.

3. The petitioner has approached this Court without



exhausting statutory remedy available to him under Rule 12B of the Bihar Prohibition and Excise Rules, 2021 read with amended sub Rule 2 of Rule 12B in the year 2022 and 2023. Therefore, petitioner is at liberty to invoke Rule 12B of the aforesaid Rules and file application in the prescribed format. If such application is submitted before the competent authority, competent authority is hereby directed to consider the petitioner’s application and pass suitable order within a period of two weeks from the date of receipt of such application.

4. With the above observations, the present writ petition stands disposed of.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

rakhi/-

AFR/NAFR	
CAV DATE	N.A.
Uploading Date	21.01.2025
Transmission Date	

