

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14099 of 2023

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Naresh Kumar Son of Phulen Mahto Resident of Village-Kanchhedwa, Police Station-Harsidhi, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Commissioner, Excise, Bihar, Patna.
2. The Commissioner, Excise, Bihar, Patna.
3. The Collector, Gopalganj.
4. The Superintendent of Police Gopalganj
5. The S.H.O. Yadopur Police Station, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary, Advocate
For the Respondent/s : Mr. Vikash Kumar, SC 11

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 17-10-2023

Heard learned counsels for the respective parties.

2. In the instant writ petition, petitioner has prayed for the following relief/reliefs:

“That this application is being filed for issuance of appropriate writ/writs, commanding/ directing the Respondent No. 3 to release the Motor-Bik of the petitioner bearing Engine No. AANN 101075 is wrongly stated in seizure list in place of correct Engine No. JA07ACLG 18487 which is error of record, Chassis No. MBLJAW 157



LGF 19026 of Registration No. BR05AL4916 which was seized by police in connection with Yadopur P.S. Case No. 133 of 2023 registered under section 30(A) Bihar Excise Amendment Act 2018 which is lying in the open sky in the premises of Yadopur Police Station in the District of Gopalganj.”

3. The aforementioned relief is not supported by demand like representation or application in the prescribed form under Rule 12 - A of the Bihar Prohibition and Excise Rules, 2023 (hereinafter referred to as ‘Rules, 2023’). In the absence of such demand or application before the competent authority, the present writ petition is not maintainable.

4. Accordingly, the present writ petition stands disposed of as not maintainable.

5. Disposal of the present writ petition would not be a hurdle for the petitioner to file an application under Rule 12 - A of the Rules, 2023 within a period of four weeks from today. If such an application is filed, the concerned authority is hereby directed to examine the same and decide within a reasonable period of time.

6. The concerned authority is also hereby directed to take note of pendency of the confiscation proceedings and if the confiscation proceedings has not been concluded as on today, the



grievance of the petitioner shall be considered insofar as releasing
of the vehicle under Rule 12 – A of the Rules, 2023.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.10.2023
Transmission Date	NA

