

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14403 of 2023

=====

Malin Kumar @ Maneel Kumar, Son of Upendra Chaudhary, Resident of Village- Makbalpur, P.S. and District- Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Bihar, Patna.
2. The District Magistrate, Arwal.
3. The Superintendent of Police, Arwal.
4. The Officer-in- Charge of Arwal Police Station, District- Arwal.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ranjit Kumar Thakur, Advocate
For the Respondent/s	:	Mr. Kumar Manish, SC 5
		Ms. Shama Sinha, Advocate

=====

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 writ application is being filed for a direction/directions, order/orders, writ/writs, commanding the respondent authorities to release the motorcycle of petitioner, Honda S.P. bearing Registration No.



*BR-01DP-1507, Chassis No.
ME4JC735AJT122257, Engine No.
JC73ET1294910 being seized in connection
with Arwal P.S. Case No. 450/2022 regis-
tered for the offence punishable under Sec-
tion 30 (a) of Bihar Prohibition and Excise Act
to the petitioner being its rightful owner.”*

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

