

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13934 of 2023

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Rupesh Sharma Son of Yugal Kishore Sharma, resident of Kisan Colony
Sanwali Road Sikar, P.S. - District - Sikar (Rajasthan)

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Excise Commissioner, Bihar, Patna.
4. The Inspector General of Police, Bihar, Patna.
5. The District Magistrate-cum-Collector, Arariya.
6. The Additional District Magistrate-Cum-Additional District Collector,
Arariya.
7. The Superintendent of Police, Arariya.
8. The Sub-Divisional Officer, Arariya.
9. The S.H.O. Raniganj Police Station, Arariya.
10. The Investigating Officer, Raniganj, P.S. Case no. 352/2022, Arariya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Priyanka Singh, 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

In the instant writ petition, the petitioner has
prayed for the following relief(s):

- (A) A writ in the nature of mandamus or any
other appropriate writ/writs,
order/orders, direction/directions
commanding the respondents for the
following:-



“(i) To release Tata LPT Truck bearing registration no.RJ23GC4427, Engine No.5LNGDICR21MYX106638, Chesis No.MAT790208MIN25058 in favour of the petitioner which was seized in connection with Special Case No.2049 arising out of Raniganj P.S. Case No.352/2022 registered for the offence under sections 30(a) Bihar Prohibition and Excise Act, awaiting confiscation.

(B) To any other relief/reliefs for which the petitioner found entitle to.”

2. The aforementioned relief is not supported by demand like a representation or application in the prescribed form under Rule 12-A of the Bihar Prohibition and Excise Rules 2023. In the absence of such demand or application before the competent authority, the present writ petition is not maintainable.

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

4. Disposal of the present writ petition would not be a hurdle for the petitioner to file an application under Rule 12-A of the Bihar Prohibition and Excise Rules 2023 within a period of four weeks from today. If such application is filed,



the concerned authority is hereby directed to examine the same and decide within a reasonable time. The concerned authority is also hereby directed to take note of pendency of the confiscation proceeding which is said to be pending since 3rd March, 2023.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

P.S./-

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

