

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13938 of 2023

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Gagandeep Singh, Son of Rawel Singh, Resident of - H.No. 612, St. No. 3,
Tripuri Town, Patiala, P.S. Tripuri Town Patiala, District Patiala (Punjab).

... .. Petitioner.

Versus

1. The State of Bihar through Principal Secretary Prohibition and Excise
Department, Govt. of Bihar, Patna.
2. The Commissioner Excise Department, Gopalganj.
3. The District Magistrate, Gopalganj.
4. The Sub Divisional Magistrate, Gopalganj.
5. The Station House officer, Kuchaikote Police Station, Gopalganj.

... .. Respondents.

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Appearance :

For the Petitioner	:	Mr .Saurabh Kumar, Advocate.
For the State	:	Mr. Vivek Prasad (GP- 7).
		Ms. Supragya, AC to GP-7.
		Ms. Roona, AC to GP-7.
		Ms. Manisha Singh, AC to GP-7.
		Mr. Sanjay Kumar, AC to GP-7.

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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):

- i) For issuance of appropriate writ (s) order(s) or
direction (s) in the nature of mandamus
commanding and directing the respondents
authorities to release the vehicle (Motorcycle)
Registration No.PB11CN8566, Chasis
No.MEC0784CCJP028110, which was seized
in connection with Kuchaikote P.S. Case



No.375 of 2022 in Bihar Excise and Prohibition Act, 2016.

- ii) For issuance of the any other relief or reliefs which deem fit and proper under the facts and circumstances of the case.

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 an 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 and if the confiscation proceeding 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 Bihar Prohibition and Excise Rules 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

