

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14149 of 2023

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Bhupendra Prasad Singh Son of Late Shivshankar Singh @ Shivshankar Prasad Singh Resident of Village and P.S.-Panjwara, District-Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Prohibition Excise and Registrteion, Government of Bihar, Patna.
2. The Excise Commissioner, Department of Prohibition Excise and Reg-istrteion, Government of Bihar, Patna.
3. The District Magistrate, Banka.
4. Senior Deputy Collector Cum Prohibition and Excise Magistrate, Banka.
5. The Superintendent of Police, Banka.
6. The S.H.O., Panjwara Police Station, District-Banka.
7. Manoj Kumar, Assistant Sub Inspector, Panjwara Police Station, District-Banka.
8. Manoj Kumar Singh, A.S.I. Cum Investigating Officer of Panjwara P.S. Case No 73/2021, Police Station-Panjwara, District-Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Jha, 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:

“(i) For issuance of an appropriate writ, rule or direction in the nature of writ of mandamus commanding and directing the respondents particularly the Respondent no. 3 to



6 to immediately release the vehicle (Auto Rickshaw Mandindra Alfa) bearing Registration No. JH-17V-7337 of this petitioner which has been illegally seized by the Respondent No. 7 in connection with Panjwara P.S. Case No. 73/2021 dated 13.08.2021 registered under Section 30 (a) and 32 (2) of Bihar Excise Act since he has been acquitted in criminal trial i.e. Special Excise Case No. 604/2021/Tr. No. 31/2022 arising out of Panjwara P.S. Case No. 73/2021 dated 13.08.2021 held by the Court of learned Additional District and Sessions Judge, Vth Banka.

(ii) To initiate an appropriate proceeding against Respondent No. 7, the A.S.I. of Panjwara Police Station who brought the aforesaid vehicle at Police Station on 13.08.2021 from the house of this petitioner and seized the same and also arrested the petitioner and sent him to jail just because he could not able to fulfilled the illegal demand in false, fabricated and concocted case when at the time of checking the vehicle, the passengers who possessed a black colour bag left the same on the seat of auto and fled away from the auto after seeing the police and the police at checking point, allowed the petitioner to go with his auto, but after some hours, due to demand of heavy money from the petitioner for not implicating him in the case and not seized the auto and when the petitioner refused to fulfill the illegal demand, arrested him and seized his vehicle, result of which, the petitioner's life completely ruined, disturbed and becomes beggar



since the aforesaid auto was/is financed vehicle and only the source of livelihood of his family.

(iii) To direct the Respondent no. 7 to pay compensation to the petitioner to the tune of Rs. 10 Lakhs because of his atrocities, his business and family completely disturbed and he becomes a beggar to maintain his family after begging.

(iv) And/or pass such other order or orders as deem fit and proper in the interest of justice.”

3. The aforementioned relief/reliefs 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.

7. It is reliably learnt that petitioner has been acquitted in the criminal case in the case of Special Excise Case No. 604/2021, Tr. No. 31/2022 (Arising out of Panjwara P.S. Case No. 73/2021). The same shall be taken note of by the concerned authority while dealing with petitioner’s grievance in releasing of the vehicle.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

GAURAV S./-

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

