

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14074 of 2023

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Lalbabu Kushwaha S/o Late Indradev Kushwaha, Resident of Village-Tiwari
Patti Dhala, P.S.-Sawerhi, District Kushinagar (U.P.)

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Govt. of Bihar, Patna.
2. The Confiscating officer-Cum-District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Station House officer (S.H.O.), Gopalpur Police Station, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, 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 releasing of the Tata Magic Pick
up bearing Registration No.-UP-57-T-
7675, Chasis No. - MAT445064FZE22890,*



Engine No. - 2751D106EUYS45291, that has been seized by the police authority on the allegation of coming illegal illicit liquor in connection with Gopalpur P.S. case No. 245/2022..”

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

