

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13987 of 2023

Vashith Kurmi @ Vashith Patel son of Shankar Kurmi, Resident of Vill-Mahuawan, P.S.-Kateya, District-Gopalganj.

... .. Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Department of Prohibition and Excise, Govt. of Bihar, New Secretariat, Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Officer-in-Charge, Kateya Police Station, District-Gopalganj.

... .. Respondents.

Appearance :

For the Petitioner	:	Mr. Dhramveer, 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.

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):

“For direction upon the Respondents to release the seized Motorcycle Bajaj Pulsar 125 C.C., Reg. No.UP57BM-1413, Chasis No.MD2B68BX2PPB05945, Engine No.DHXPPB 78883, which is seized in connection with Kateya P.S. Case No.343/23, dt. 26.07.2023 u/s 30(a) of the Bihar Prohibition & Excise Act, 2018.”

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

