

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14304 of 2023

Chandresh Chauhan Son of Dinesh Chauhan Resident of Village- Chargawan
(Near I.T.I.), P.O.-Chargawan, P.S.-Shahpur, District-Town-Gorakhpur-
273013.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Prohibition, Excise and Registration, Government of Bihar, Patna.
3. The Inspector General of Excise, Department of Prohibition, Excise and Registration, Government of Bihar, Patna.
4. The Collector-Cum-District Magistrate, Gopalganj.
5. The Superintendent of Police Gopalganj.
6. The Superintendent of Excise, Gopalganj.
7. The Station House Officer, Phulwariya P.S, Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jeetendra Narayan, Advocate
For the Respondent/s	:	Mr. Vivek Prasad, GP 7
		Ms. Supragya, AC to GP 7
		Ms. Roona, AC to GP 7
		Mr. Sanjay Kumar, AC to GP 7
		Ms. Manisha Singh, 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

Heard learned counsels for the respective parties.

2. In the instant writ petition, petitioner has prayed for
the following relief/reliefs:

*“That this is an application for is-
suanee of writ(s), order (s), direction (s), for
directing and commanding the respondents to*



release the vehicle in view of a Gazette Notification Dated 31.05.2023 issued by the Department of Prohibition Excise and Registration, Government of Bihar, Patna in pursuance of substitution of Sub-Rule (2) of Rule 12 (A) (release of vehicle, conveyance etc. of payment of penalty) of Bihar Prohibition and Excise Rules, 2021 which is as Maruti Suzuki Car bearing Reg. No. UP53EA7404, Chassis No. MB-HCZFB3SMJI49041, Engine No. K12NP4036524 registered by the Transport Department, Gorakhpur R.T.O., Government of Uttarpradesh which has been seized in connection with Phulwariya P.S. case No. 268 of 2023 dated 26.07.2023 registered under section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018 by the concerned respondent authorities and also directing to the concern respondent to not initiate the confiscation proceeding under the Bihar Prohibition and Excise Act, 2016 against the aforementioned vehicle of the petitioner.

And also for any other relief or reliefs for which the petitioner is found to be entitled in the fact and circumstances of the case.”

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 de-



mand 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

