

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14190 of 2023

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Bhupinder Singh S/o Raj Singh, R/o Flat No. 10A, DDA Flats, Poket-2, VTC Dwarka Se-6, P.O. Dwarka, Sub-District-Delhi Cantonment, District South West Delhi, State-Delhi, Pin Code-110075.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Excise Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Excise, Govt. of Bihar, Patna.
3. The District Magistrate, Darbhanga.
4. The S.H.O. Bishanpur Police Station, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Noushad Khan, 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

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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 commanding and directing the respondents to release the seized TATA MOTORS/NEXON/ XT PLUS/ SUV, 1198.00 CC, COLOUR- CALGARY WHITE, FUEL TYPE – PETROL, bearing Regd. No. DL09-CAS-5482, Engine No.



REVTRN03KPYK82695, Chassis No. MAT627268KLK41139 in connection with Bishanpur P.S. Case No. 14/2023, dated 02.03.2023, instituted for the offences under sections 30 (a) Bihar Prohibition and Excise Amendment Act, 2018.

(ii) For issuance of any other relief/reliefs as your lordship may deem fit and proper which the petitioners may find entitled with the facts and the circumstances of the present case in the favour of the petitioner above named.”

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

