

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14309 of 2023

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Anandi Prasad Bind S/O- Bideshi Bind, R/O- Mirhatti, P.O.- Mirhatti, P.S.-
Sultanganj, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Excise and Prohibition, Govt. of Bihar, Old Secretariat, Patna.
2. The District Magistrate, Banka.
3. The Superintendent of Police, Banka.
4. The Superintendent of Excise, Banka.
5. The Officer In Charge, Panjwara Thana, Dist.- Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate
For the Respondent/s : Mr. Kumar Manish, SC 5
Ms. Shama Sinha, Advocate

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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 direction to the respondents to release the Hero Honda Motorcycle bearing Registration No. - BR-10J-7408 in favour of the petitioner.



(ii) For direction to the respondents to the Hero Honda Motorcycle bearing Registration No. - BR-10J-7408 which is seized in connection with Panjwara P.S. Case No. - 113/2022.

(iii) For any other relief/reliefs which is entitle the petitioner according with law.”

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

