

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14354 of 2023

Vinay Kumar @ Vinay Sah @ Vinod Sah Son of Anoop Sah, Resident of Village-Sahebganj, P.S. Sahebganj, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Department of Prohibition and Excise, Govt. of Bihar, Patna.
2. The Superintendent of Excise, Gopalganj.
3. The Inspector, Excise, Gopalganj.

... .. Respondent/s

Appearance :

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

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 Writ application is being filed on behalf of the petitioner in the nature of Writ/Writs, order/orders, Direction/Directions upon the respondents to release the seized vehicle Bolero Car bearing Reg. No. BR06DE-2502, which is seized in connection with Excise P.S. Case No. 742 of 2023, U/S 30 (a) of the Bihar Prohibition and Excise Act, 2018.”

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 (here-



inafter 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

