

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15018 of 2023

Shakuntala Devi Wife of Naresh Sahani, Resident of Village- Karanpur
Harijan Tola, P.S.- Bochahan, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Addl. Chief Secretary, Prohibition Excise and Registration Department, Government of Bihar, Patna.
2. The Excise Commissioner, Government of Bihar, Patna.
3. The Collector-cum-District Magistrate, Muzaffarpur.
4. The Excise Superintendent, Muzaffarpur.
5. The Station Head Officer, Police Station- Motipur, District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Dr. Bipin Chandra, Advocate
For the Respondent/s	:	Mr. Vivek Prasad (GP-7)
		Ms. Manisha Singh, AC to GP-7
		Ms. Roona, AC to GP-7
		Ms. Supragya, 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 ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

2 03-11-2023 Heard learned counsels for the respective parties.

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

“(i) For issuance of a writ in the mandamus directing and commanding to the respondent authority to release the Bolero Pickup vehicle bearing Registration No. BR06GE-0465, Engine no. TBk1L88358 and Chassis no. MA1ZN2TBKK1L82905 which has been seized by the Respondent no.5 in connection with Motipur P.S. Case No.



263/2022 registered for the U/S 30(a)/32(I) (II)/36/41(I) Bihar Prohibition and Excise Act 2018.

(ii) For any other appropriate writ/writs, direction/directions, order/order as this Hon'ble Court thinks fit and proper in the facts and circumstances of this case."

03. 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.

04. Accordingly, the present writ petition stands disposed of as not maintainable.

05. 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.

06. 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)

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