

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14997 of 2023

=====

Arun Kumar Yadav Son of Ramanand Yadav, Resident of Village-Bantaria
ghur, P.O.-Bhore, District-Gopalganj, Bihar-841426.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Prohibition and
Excise Registration, Department, Govt. of Bihar, Patna.
2. The District Magistrate cum Collector, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Sub-Divisional Police Officer, Gopalganj.
5. The In-charge of Bhore P.S. Gopalganj.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Akshay Ashish, 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 an appropriate
writ/writs order/orders direction/directions in
the nature of mandamus for commanding the
respondent authorities to release the Hero
Splendor Plus X-Tech motorcycle bearing
Engine No. HA11E7PHEA0619, Chassis No.
MBLHAW210PHE47418 of petitioner seized in
Bhore P.S. case No. 392 of 2023 dated*



08.08.2023.

(ii) For issuance of an appropriate writ/writs order/orders direction/directions in the nature of mandamus commanding the Respondents to immediately release the Hero Splendor Plus X-Tech motorcycle of the petitioner.

(iii) For any other relief/reliefs for which petitioner is entitled in the eyes of law and as this Hon'ble Court may deem fit and proper as the fact 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)

Ashish/-

U			
---	--	--	--

