

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14892 of 2023

Shanu Ranjan S/o Manoj Ranjan Singh, Resident of Village- Marpa Mohan, Dewkuliya, P.S. Phenhara, District East Champaran, at Present - Mohalla - Kolhua Paigambarpur, P.S. Ahiyapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary Old Secretariat Patna.
2. The Principal Secretary Department of Excise, Bihar, Patna.
3. The Principal Secretary Home Police, Bihar, Patna.
4. The District Magistrate Muzaffarpur, District Muzaffarpur.
5. The Superintendent of Police, Muzaffarpur, District Muzaffarpur.
6. The S.H.O. Kanti Police Station, District Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Ms. Nitu Kumari, Advocate
For the Respondent/s : Mr. Kumar Manish (SC-5)
Mr. Kumar Pankaj, AC to SC-5

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:

“1. That this writ application is preferred on behalf of above named petitioner for issuance of appropriate writ/ writs, Commanding the respondents authority to get release he splendor Plus Motorcycle bearing registration number BR06CP 2085 in favour of petitioner which has been seized by respondents authority in Connection with Kanti P.S. Case No. 839 /2022, District Muzaffarpur.”

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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