

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17007 of 2023

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Harindra Shah Son of Ram Balak Sah, R/o Vill Piyaranta, P.S.-Bhore,
District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Prohibition and Excise, Govt. of Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Officer-in-Charge, Phulwaria Police Station, District-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhramveer, Advocate
For the Respondent/s : Mr. Vikash Kumar, SC-11

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

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

2 05-12-2023 In the instant petition, petitioner has prayed for the
following relief(s):

*“...for direction/directions upon
the Respondent to release to seized
Motorcycle of the petitioner bearing Hero
HF Deluxe, Reg. No. BR28V 8967, Chassis
No. MBLHAW03XK4E17525, Engine No.
HA11ENK14023, which is seized in
connection with Phulwaria P.S. Case
No.332/23 dated 14.09.2023 u/s 30(a) of the
Bihar Prohibition & Excise Act, 2018.”*

2. For issuance of writ of mandamus under
Article 226 of the Constitution of India, there must be a demand



on behalf of the aggrieved party like petitioner. Undisputedly, petitioner has not approached the concerned authority in demanding the release of the subject matter of motor vehicle. Therefore, the petitioner's petition is premature. Accordingly, the present petition stands disposed of as premature.

3. Disposal of the present petition would not be a hurdle for the petitioner to invoke remedy under Rule 12-A of the Bihar Prohibition and Excise Rules, 2021 read with sub-Rule 2 of the Rule 12-A of the Bihar Prohibition and Excise Rules, 2021 (Amendment Rules 2023). If such application is submitted in the prescribed form before the competent authority, the competent authority is hereby directed to decide the grievance of the petitioner in accordance with law within a period of two weeks from the date of receipt of the petitioner's application.

4. With the above observation, the writ petition stands disposed of.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

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