

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17648 of 2023

=====

Saurabh Kumar @ Saurabh Thakur Son of Rakesh Kumar Thakur, Resident of Village - Payama, P.S. Sarai, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, (Excise Department) Government of Bihar, Patna.
2. The District Magistrate, Muzaffarpur.
3. The Senior Superintendent of Police, Muzaffarpur.
4. The District Transport Officer, Muzaffarpur.
5. The O/C Kudhani Police Station, Muzaffarpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Alok Kumar Alok
For the Respondent/s	:	Mr. Vivek Prasad (G.P.7)
		Ms. Supragya, A.C. to G.P. 7
		Ms. Roona, A.C. to G.P. 7
		Mr. Sanjay Kumar, A.C. to G.P. 7
		Mrs. Manish Singh, A.C. to G.P. 7

=====

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

ORAL ORDER

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

2 18-12-2023 In the instant petition, the petitioner has prayed for release of Apache Motor Cycle bearing registration No. BR06CG-9590 to the petitioner being seized in connection with Kurhani P.S. Case No. 94 / 22 for an offence under Section 37(C) of the Bihar Prohibition and Excise Act as the petitioner



is the rightful owner of the above stated Motorcycle.

2. Before approaching this Court, petitioner invoked remedy before the Special Judge, Excise Court No. - II, Muzaffarpur, who has rejected the petitioner's grievance in the light of Section 60 of the Bihar Prohibition & Excise Act. Section 60 deals with bar of jurisdiction in confiscation in the light of the aforementioned order. The petitioner should have filed appropriate application under Rule 12 – A of Rules 2021 read with Amendment Rules 2022 and 2023. He has not preferred any application.

3. In the absence of demand before the competent authority, question of issuance of writ of mandamus is not warranted. Accordingly, the present petition is premature.

4. Disposal of the present petition as premature would not be a hurdle for the petitioner to submit application in the prescribed forum under Rule 12 – A of Rules 2021 read with Amendment Rules 2022 and 2023. If such application is submitted before the competent authority, the competent authority is hereby directed to examine the petitioner's application and proceed to pass order within a period of two weeks from the date of receipt of such application.

5. With the above observation, the present petition



stands disposed of.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

saaurabhkr/-

U			
---	--	--	--

