

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1757 of 2024

Subhash Kumar Son of Jhari Prasad Dangi, Resident of Village-Budhigada,
Police Station-Rajpur, District-Chatra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Sheikhpura.
4. The District Magistrate cum Collector, Sheikhpura.
5. The S.H.O., Sheikhopur Sarai Police Station, Sheikhpura.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bipin Kumar, Advocate
For the Respondent/s	:	Mr. Birju Prasad, G.P. 13
		Mr. Shweta Anand, A.C. to G.P. 13
		Mr. Ajit Anand, A.C. to G.P. 13

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

ORAL ORDER

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

2 01-02-2024 In the instant petition, petitioner has prayed for the
following reliefs:

(i) For issuance of writ/writs in the nature of mandamus commanding the Respondents to immediately release of the vehicle of the petitioner which is white Colour Maruti Suzuki DZIRE four wheeler bearing Registration No. JH02BE-9703, Chassis No. MBHCZFB-3SNC100142, Engine No. K12NP4003521 which has been illegally seized by the Respondent in connection with District Sheikhpura Sirari Police Station



Case No. 25 of 2023 dated 18.02.2023 which has been registered under Section 30(a), 32(2), 41(1) of the Bihar Prohibition & Excise Act. The Respondents are awaiting the confiscation of the petitioner's vehicle.

(ii) For commanding the Respondents as to why the Respondents have seized the vehicle of the petitioner without any rhyme and reason.

(iii) For commanding the Respondents since the petitioner is the owner of the said vehicle hence with immediate effect this vehicle may be released in favour of the petitioner.

(iv) For any other writ/writs, order/orders, direction/directions as this Hon'ble Court may deem fit and proper as to the facts and circumstances of the case.

2. The aforementioned relief has been sought without demand or approaching the concerned authority in respect of relief sought by the petitioner. In other words, in the absence of demand before the competent authority writ of mandamus is not maintainable. Accordingly, the present writ petition stands disposed of as not maintainable.

3. Disposal of the present petition would not be hurdle for petitioner to invoke remedy under Rule 12-A of Bihar Prohibition and Excise Rules 2021 read with amendment of the aforementioned Rules of the year 2022 & 2023 respectively. If the petitioner files or submits application under the prescribed



form with reference to Rule 12 – A in that event the concerned authority is hereby directed to consider the grievance of the petitioner in the light of application made within a period of two weeks from the date of receipt of this order.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

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