

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2601 of 2024

Robin Singla, S/o Harkimat Rai, Resident of Village House No.- 497, Street No.- 05 Ranjit Singh Park, P.S.- Shingar Cinema, District- Ludhiana (Panjab) Pin- 141008.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Prohibition and Excise Act, Patna, Excise Patna.
2. That Principal Secretary, Excise, Patna.
3. The District Magistrate Cum Collector, Patna.
4. The Excise Commissioner, Patna District- Patna.
5. The Superintendent of Police, Patna.
6. The S.H.O., Rani Talab Police Station, Dist.- Patna.
7. The I.O. Rani Talab, Police Station with Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Ms. Kumari Sujata Sinha, Advocate
For the Respondent/s : Mr. Raghwendra Kumar, SC-22

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 27-02-2024

In the instant petition, petitioner has prayed for the following relief/s:-

“(i) To issue writ/ writs, order/orders, direction/directions including a writ in the nature of certiorari for release of Truck in the F.I.R. in Rani Talab P.S. Case No. 107/23 u/s-120(B) I.P.C. and 30(a)/41(i) Bihar Prohibition of Excise Act,



*2018 seized Truck Registration No. PB-35Q-3644,
Engine No. CRPZ109647 and Chesis No.
MB1KADWCXCPRF6388.*

*(ii) To issue a writ/writ, order/orders,
direction/directions a writ in the nature of
Mandamas dinction the respondent to rdease the
Seized Truck in the Favaure of the petitioner.*

*(iii) For granting any other relieve for which
the petitioner may be found entitled in the facts and
circumstances of the case.”*

2. The petitioner has rushed to this Court without approaching the concerned authority to the extent of demand before the concerned authority for the purpose of release of the subject matter of motor vehicle. Therefore, question for issuance of writ of mandamus is not warranted.

3. Accordingly, the present petition stands disposed of as premature.

4. Disposal of the present petition would not be a hurdle for the petitioner to invoke remedy under Rule 12A of the Bihar Prohibition and Excise Rules, 2021 read with amended Rules 2022 and 2023. If such application is submitted, in the prescribed form, before the competent authority, the



competent authority is hereby directed to decide the petitioner’s application under Rule 12A of the Bihar Prohibition and Excise Rules, 2021 within a period of three weeks from the date of receipt of such application.

5. If the confiscation proceeding has attained finality and any auction proceeding is already undertaken as on today in such circumstances, grievance of the petitioner has become infructuous, the same shall be taken note of and proceed to pass speaking order. Petitioner is at liberty to invoke appropriate remedy in respect of confiscation and other proceedings, if any.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

Manish/-

AFR/NAFR	N.A.F.R
CAV DATE	N.A
Uploading Date	28.02.2024
Transmission Date	N.A

