

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1920 of 2022

Prakash Ray S/o Dina Nath Ray Resident of Vilalge-Terashiya, P.O. Ratnakar,
P.S. Ganga Bridge, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Government of Bihar, Patna
2. The Principal Secretary, Excise Department, Government of Bihar, Patna
3. The District Magistrate-Cum-Collector, Saran.
4. The Officer-in-Charge (S.H.O.), Amnour Police Station, Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ankit Katriar, Advocate
For the Respondent/s : Mr.Vivek Prasad (GP7)

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

Date : 05-08-2024

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

*“That this is an application
praying for issuance of a writ in the
nature of a writ of mandamus or any
other appropriate writ / order /
direction to the respondent
authorities to release the pickup van
of the petitioner, bearing
Registration No. BR 31GB 2588*



which has been seized by the police in connection with Amnour P.S. Case No. 260 / 2022 for the offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.”

2. From the perusal of record, it is evident that Amnour P.S. Case No. 260 of 2020 was registered for the offences under Section 30(a) of Bihar Prohibition and Excise Act, 2016, subject matter of vehicle bearing Registration No. BR 31GB 2588 has been seized. There is no finality in the confiscation proceeding even after lapse of about four years. Therefore, the concerned authority is hereby directed to pass a detailed speaking order on an application by the petitioner under Rule of 12A of the Bihar Prohibition and Excise Rules, 2021 read with amended sub Rule 2 of Rule 12A in the year 2022 and 2023. If the respondent fails to pass order on petitioner's application to be filed under Rule 12A within a period of two weeks from the date of receipt of petitioner's application, in that event, the concerned respondent District Collector or the Superintendent of Excise are liable to pay cost of Rs. 10,000/- to the petitioner from their pocket and not from the



Department / Government.

3. With the above observation, the present
C.W.J.C. No. 1920 of 2022 stands disposed.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	08.08.2024.
Transmission Date	N/A

