

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3917 of 2024

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Suganti Devi W/o Guddu Bin, resident of Village-Balia, P.S.-Maharajganj,
District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner, Excise, Government of Bihar, Vikash Bhawan, Patna.
2. The Collector cum District Magistrate, Gopalganj.
3. The Superintendent of Excise, Gopalganj.
4. The Station House Officer, Barauli Police Station, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Anand Vardhan, Advocate
		Ms. Shubhangi Pandey, Advocate
For the Respondent/s	:	Mr.Ajay Kumar, A.C. to G.P.4

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

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

Date : 04-03-2024

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

For issuance of writ in the nature of Mandamus or any other appropriate writ(s), order(s), directions to the respondent authorities to release the vehicle of the petitioner bearing registration no. BR29AZ1333 Hero MotoCorp Splendor Plus motorcycle having Chasis no. MBLHAW214PHJ21733 and Engine No. HA11E7PHJ27791 which was seized by the sub-inspector in Barauli P.S. Case No. 19 of 2024 registered for offence under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

(ii) For issuance of any other appropriate writ(s), order(s), direction(s) for which the petitioner is entitled in the facts and circumstances of the case.



2. For issuance of writ of mandamus, petitioner has not exhausted the remedy of approaching the concern authority in demanding release of the subject matter of the motor vehicle. Further, he has also remedy under Section 58 of the Bihar Prohibition and Excise Act, 2016 to face confiscation proceedings and thereafter he has remedy of filing appeal and revision. Simultaneously, he has remedy of filing application under Rule 12-A of the Bihar Prohibition and Excise Rules, 2021 read with Amended Rules 2022 and 2023. Accordingly, the present petition is premature. Hence, petition stands disposed of as premature.

3. Disposal of the present petition would not be hurdle for the petitioner to invoke remedy under Rule- 12-A of the Bihar Prohibition and Excise Rules, 2021 read with Amended Rules 2022 and 2023. If such application is filed within a period of two weeks from today, the concerned authority is hereby directed to decide the petitioner’s application within a period of three weeks from the date of receipt of such application or in the alternative the petitioner has to face confiscation proceedings and consequential proceedings.

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

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

vashudha/-
Shahzad

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.03.2024
Transmission Date	NA

