

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7043 of 2024

Vikash Kumar Giri Son of Dharmendra Kumar Giri, resident of Village-
Koirigawan, P.S.- Barhariya, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The Confiscating Officer-cum-District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Station House Officer(S.H.O), Bhore, Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vyas Kumar Mishra, Advocate
For the Respondent/s : Mr.Nishant Kumar, AC to SC-28

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

Date : 26-04-2024

In the instant petition, petitioner has prayed

for the following relief(s):-

*“That this application is being filed for
releasing of the Mahindra Scorpio S11
MH2W140 bearing registration No.
BR28P-2536, Chasis No.
MAITA2XM2L2H29854, Engine No.
XML4H14460 that has been seized by
the police authority on the allegation of
coming illegal liquor in connection with
Bhore P.S. Case No. 37 of 2024 instituted
under Section 30(a) of Bihar Prohibition
and Excise Act.”*

2. The alleged offence is stated to have



been committed on 10.02.2024 and as on today, the confiscation proceedings have not attained finality. That apart, the petitioner has not approached the concerned authority in seeking release of the subject matter of the motor vehicle bearing Registration No. BR28P-2536, (Mahindra Scorpio S11 MH2W140). The petitioner has remedy submission of application under Rule 12A of the Bihar Prohibition and Excise Rules, 2021 read with amended sub Rule 2 of Rule 12A in the year 2022 and 2023. Before invoking the aforementioned provisions and approaching the concerned authority, the petitioner has rushed to this Court. Be that as it may, even there is no representation. For seeking writ of mandamus, there must be a demand before the competent authority. At the same time, duty is cast on the concerned public authority. The first ingredient of demand before the competent authority is not forthcoming.

3. Accordingly, the present writ petition is pre-mature and it stands disposed of as not maintainable.

4. Disposal of the present writ petition would not be a hurdle for the petitioner to invoke remedy under Rule 12A of Bihar Prohibition and Excise Rules,



2021 including amended provisions in the year 2022 and 2023. If such application is submitted before the competent authority in the prescribed form, the concerned authority is hereby directed to consider the petitioner's grievance within a period of two weeks from the date of receipt of such application under Rule 12A of Bihar Prohibition and Excise Rules, 2021 including amended provisions in the year 2022 and 2023.

5. With the above observation, the present writ petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	30.04.2024.
Transmission Date	N/A

