

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7208 of 2024

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Uday Kumar Singh S/o Jaishankar Singh, Resident of Village Mangwar,
Ward No.-2, P.S.- Basanahi, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise Department, Govt. of Bihar, Patna.
2. The District Magistrate -cum-District Collector, Saharsa.
3. The Deputy Collector of Land Reforms, Saharsa.
4. The Officer In-charge of Basnahi Police Station, District- Saharsa.
5. The Investigating Officer of Basnahi P.S. Case No.- 37/24 (Present and then), District- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Jubair Ansari, Advocate
For the Respondent/s : Mr. Government Pleader 23

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

2 29-04-2024 In the instant petition, petitioner has prayed for

the following reliefs:-

“(i) For issuance of writ in the nature of mandamus or any other appropriate writ, order(s), direction(s) commanding the respondents particularly District Magistrate -cum-District Collection, Saharsa to release the seized vehicle of the petitioner details given below:-

- a. Reg. No. -BR01PN2435*
- b. Chasis No.- MA3CNC32SNB284756*
- c. Engine No.- K15BN9246140*
- d. Vehicle Class - Motor Car*
- e. Model Name – Maruti XL6 Smart Hybrid Alpha’*
- f. Colour – Pearl Arctic White*
- g. Body Type – Rigid (Passenger Car)*
- h. Mfd- February, 2022*

In connection with Basnahi P.S. Case No. 37/24, seized on 02.03.2024 by Babloo Kumar Sub- Inspector,



Basnahi Police Station, District- Saharsa, in the favour of the petitioner to the satisfaction of Collector, Saharsa/Special Judge, Excise, _____ on such terms or terms as this Hon'ble Court deems fit and proper.

ii. For issuance of any other writ, order(s) direction(s) which your lordships may deem fit and proper in the facts and circumstances of the case."

2. In support of aforementioned relief, there is no demand before the competent authority in particularly 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.

3. In the absence of demand before the competent authority, the present writ petition for writ of mandamus is not maintainable or it is pre-mature. Accordingly, the present petition stands disposed of as pre-mature.

4. Disposal of the present 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 in the prescribed form before the competent authority, the competent authority shall pass speaking order within a period of two weeks from the date of receipt of this order.

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



6. If the confiscation of the vehicle has attained finality, in that event, petitioner is at liberty to prefer an appeal before the appropriate authority.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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