

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6382 of 2024

Abhijeet Kumar, S/o Vinay Rai, R/o village - Pojhi, P.S. - Dermi, Dist.- Saran.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary Excise Department Patna, Bihar.
2. The Collector/District Magistrate, Saran at Chhapra.
3. The Superintendent of Police, Saran at Chhapra.
4. The Excise Superintendent, Saran at Chhapra.
5. The Excise Inspector, Saran at Chhapra.
6. The Officer-In- Charge, Bheldi, Saran at Chhapra.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Alok Kumar Alok, Advocate
For the Respondent/s	:	Mr. Mujtabaul Haque, G.P.12
		Mr. Deo Narayan Prasad, AC to G.P.12

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

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

Date : 22-04-2024

In the instant petition, petitioner has prayed for the following reliefs:-

“(I) That, this application is being filed for release of vehicle HF Deluxe motorcycle being Registration no. BR04AP-6412 which belongs to the petitioner and has been seized in connection with Bheldi P.S. Case No. 331/23 registered for the offence u/s – 30(a), 41(i) Bihar



Prohibition and Excise Amendment Act 2018 by the respondent no.-2 in connection with confiscation no. 248/2023 were instituted by the court of Collector Saran at Chhapra for confiscation aforesaid vehicle HF Deluxe motorcycle.”

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 such application.

5. With the above observation, the present petition



stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	N.A
Uploading Date	23.04.2024
Transmission Date	N.A

