

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6874 of 2024

Punam Kumari W/O Pankaj Kumar Resident of Mohalla- Gate No. 08, Bans
Kothi, Digha, P.S.-Digha, District- Patna-800011

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary Excise Department, Bihar, Patna
2. The Commissioner Excise Department, Bihar, Patna
3. The District Magistrate Arwal
4. The Superintendent of Police Arwal
5. The Officer-in-charge Kaler P.S., District- Arwal

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh
For the Respondent/s : Mr.Additional Advocate General (7)

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

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

2 23-04-2024 In the instant petition, petitioner has prayed for the
following relief(s):-

“(i) For issuance of any appropriate writ or writs file of direction to the District Magistrate Arwal, the respondent to release the Maruti Dzire Motor Car bearing regd. No. BR01EW3319, Chassis No.- MA3CZFB3SLJ693213, Engine no. K12NN9032748 of the petitioner which has been seized under Excise Act in connection with Kaler P.S. Case No. 124/2023.

(ii) For issuance of any appropriate writ or writs order or orders, rule or directions as your Lordships may deem fit and proper to the facts and circumstances of the case as well as for



which the petitioner may be found entitled there too.”

2. The alleged offence is stated to have been committed on 21.08.2023 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. BR01EW3319, (Maruti Dzire Motor Car). The petitioner has remedy of 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 premature 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)

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