

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6830 of 2024

=====

Dipak Kumar Singh@ Dipak Singh, Son of Late Jhulan Singh, Resident of
Village- Kashitengrahi, P.S.- Mohammadpur, District- Gopalganj.

... .. 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, Mohammadpur Police Station, Gopalganj.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Anand Vardhan, Advocate
For the Respondent/s	:	Mr. Sarvesh Kumar Singh (AAG-13)
	:	Mr. Rajat Kumar Tiwary (AC to AAG-13)

=====

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 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. BR28AA5213
motorcycle Honda SP 125 having Chasis
no. ME4JC83EFNG049570 Engine no.-
JC83EG3148242 which was seized by
the Sub-Inspector in Mohammadpur P.S.
Case No. 14 of 2024 registered for
offence under sections 30(a) of the Bihar
Prohibition and Excise Amendment Act,
2018.”*

2. The alleged offence is stated to have been



committed on 17.01.2024 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. BR28AA5213 (motorcycle Honda SP 125). 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)

amitkumar/-

U			
---	--	--	--

