

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8365 of 2024

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Ashraf Ali son of Jahid Ali resident of Village- Ward No.-6, Shivalay Road
Jatav Pachore, P.S.- Rajgarh, District- Indore Madhya Pradesh

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Excise Department,
Patna, Bihar
2. The Collector/District Magistrate Vaishali at Hajipur
3. The Superintendent of Police Vaishali at Hajipur
4. The Excise Superintendent Vaishali at Hajipur
5. The Excise Inspector Vaishali at Hajipur
6. The Officer-in-Charge Bhagwanpur P.S.- Vaishali at Hajipur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Alok Kumar Alok, Advocate
For the Respondent/s	:	Mr.Pankaj Kumar, SC-12

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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 17-05-2024 In the instant petition, petitioner has prayed for the
following reliefs:-

"That this is an application for issuance
of an appropriate writ, order or direction
directing the respondent concern to release the
vehicle Tata Motor Truck (12 wheeler) bearing
registration No. MP09HG7090 in favour of the
petitioner which has been seized in connection
with Bhagwanpur P.S. Case No.123/2023
instituted for the offence u/s 420, 467, 468,



471, 414, 120(B) I.P.C. and 30(a), 32(i)(ii), 36, 41(i)(ii) Bihar Prohibition and Excise Amendment Act 2018."

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 under Section 92 of the Bihar
Prohibition and Excise Act, 2016.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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