

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7191 of 2024

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Sandeep Kumar Kamal Resident of Village- Hussepur (Baise Tola), P.S. Amnour, District- Saran (Chapra).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of prohibition and Excise, Govt. of Bihar, New Secretariate, Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Officer-in-Charge, Kuchaikot Police Station, Dist. Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhramveer, Advocate

For the Respondent/s : Mr. Standing Counsel 15

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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) That this writ application is being filed on behalf of the petitioner for direction/ directions upon the Respondents to release the sized Hyundai I-10 Car of the petitioner bearing Reg. No. JH05AC-2842, ENGINE NO. G4LAAM353009, CHESIS NO. MALAN51CLAM582753B, which is seized in connection in Kuchaikot P.S. Case No. 09 of 2024, dt. 5.01.2024, U/S 30(a) of the Bihar Prohibition & Excise Act, 2022(Amendment).”

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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