

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 9477 of 2024

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Aniket Sharma son of Triloki Sharma Resident of village- Bindusaar Purab
Tola P.S- Siwan Muffasil, Dist- Siwan

.. ... Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary Excise Department Govt. of Bihar Patna
2. The Director General of Police , Bihar Patna
3. The Superintendent of Police, Siwan
4. The District Magistrate-cum-collector , Siwan
5. The Dy. Superintendent of Police, Siwan
6. The S.H.O., Pachrukhi, P.S. Siwan

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Anupam
For the Respondent/s : Mr. Government Pleader 7

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

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

Date : 08-07-2024

Heard learned counsels for the parties.

2. In the instant writ petition, petitioner has prayed for
the following relief/reliefs:

*“i) Releasing of Passion Pro
plus Motorcycle registration no.
BR29AG5747 Chassis No.
MBLHAR180JHL25047, Engine no.*



HA10ACJHL59550 seized in connection with Pachrukhi P.S. case no. 82/2024 instituted u/s 30(a)41(1) of the Bihar Prohibition and Excise Act, 2016, awaiting confiscation.

B) To any other relief/s to which the petitioner is found entitled to.”

3. In support of the aforementioned relief, there is no demand before the competent authority, in particularly, under Rule 12 A of the Bihar Prohibition and Excise Rules, 2021 read with amended sub Rule 2 of Rule 12 A in the year 2022 and 2023.

4. In the absence of demand before the competent authority, the instant writ petition filed for direction under Article 226 of a writ of mandamus is not maintainable or it is premature. Accordingly, the instant writ petition stands disposed of as premature.

5. Disposal of the instant 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 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.



6. If the confiscation proceedings of the subject matter of vehicle has attained finality, in that event, petitioner is at liberty to prefer an appeal before the appropriate authority.

7. With the above observation, instant writ petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.07.2024
Transmission Date	NA

