

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7862 of 2024

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Nitu Devi, W/o- Sachin Prasad, Resident of - Bhathava Rup, P.S.-
Kuchaikote, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar, Through the Principal Secretary, Excise and Prohibition Department, Bihar, Patna.
2. The Additional Chief Secretary, Excise Department, Govt. of Bihar, Patna.
3. The Excise Commissioner, Head Quarter Bihar, Patna.
4. District Magistrate, Gopalganj.
5. The Superintendent of Police, Gopalganj.
6. The Superintendent of Police Excise, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pritish Ranjan, Advocate
	:	Mr. Adarsh Ranjan, Advocate
For the Respondent/s	:	Mr. Mahendra Prasad Verma (AC to SC-20)

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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 : 15-05-2024

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

“A. For issuance of a writ/writs directing to the respondents authority with the extent to give permission the petitioner for file an application of Section 12(a) of Bihar prohibition and Excise Act 2018. On behalf of original owner who is the husband of petitioner and the husband of the petitioner is out of country.

B. For issuance of an appropriate writ/writs, order/orders in the nature of Mandamus directing the respondents to release and discharge the property from any charges labelled on the Motorcycle Temporary Registration no.- TO124UP2234A which has been wrongly seized by



Police in connection with Kuchaikote P.S. Case No.- 118/2024 on dated. 18.03.2024 registered for the offence under section 30(a) of Bihar Prohibition and Excise Act, 2018.

C. For issuance of any other relief/reliefs to which the petitioners are found entitled under the facts and circumstances of the present case.”

2. Admittedly, the petitioner is not owner of the subject matter of vehicle, on the other hand, she is wife of the owner of the vehicle namely Mr. Sachin Prasad. Mr. Sachin Prasad is stated to be residing abroad, therefore, the petitioner is seeking permission of this Court to file application under Rule 12(A) of the Bihar Prohibition and Excise Rules, 2021 including amended provisions in the year 2022 and 2023.” If aforementioned difficulties are facing insofar as presentation of Rule 12(A) application under Bihar Prohibition and Excise Rules, 2021 including amended provisions in the year 2022 and 2023. The petitioner is permitted to take authorization from Mr. Sachin Prasad who is the owner of the vehicle to present application under Rule 12(A) before the concerned authority. If petitioner files application under Rule 12(A) supported by authorization by Mr. Sachin Prasad. In that event, the concerned authority shall take note of entertain the same and decide the application under Rule 12(A) within a period of four weeks from the date of receipt of application under Rule 12(A) read with the authorization.



3. With the above observation, the present writ petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

amitkumar/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.05.2024
Transmission Date	N/A

