

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8124 of 2024

Arbind Kumar Singh Son of Bhagirathi Singh Resident of Village- Bargaon
Ghugha Tola, P.S.- Mairwa, District- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The district Magistrate, Siwan.
4. The Superintendent of Police, Siwan.
5. The Superintendent of Excise, Siwan.
6. The S.H.O. Siwan Muffasil Police Station, District- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Advocate
For the Respondent/s : Mr.Standing Counsel 01

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 a writ in the nature of mandamus or any
other appropriate writ or writs directing the
respondents to release the four wheeler vehicle
Scorpio of the petitioner bearing registration
No.BR29PA-0509, Engine No.SJF4E14321,
Chassis No. MA1TA2SJXF2E37348 belongs
to the petitioner, which has been seized in
Siwan Muffasil Police Station Case No.28 of
2024 for the alleged recovery of 631.41 litres



English wine for which neither the notice has been issued for initiation of confiscation proceeding nor confiscation proceeding has been initiated till date so far the best of knowledge of the petitioner."

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)

tusharika/-

U			
---	--	--	--

