

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8353 of 2024

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Pawan Kumar Son of Chaneshwar Prasad, Resident of Village- Paharpur, P.S.
Kuchaikote, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise, Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Inspector, Excise Police Station, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Surendra Prasad Gupta, Advocate
For the Respondent/s : Mr.Government Pleader (20)

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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 writ application is being filed
by the petitioner for issuance of an appropriate
writ/ writs, direction/ directions or order/
orders for commanding the respondents to
release the TVS Apache Motorcycle bearing
Registration No. BR- 06AJ-7558, Chassis No.
MD634KE44D2F99161 and Engine No.
OE4FD2488031 which was brought by the
petitioner from the owner of the vehicle
through sale letter dated 14.09.2021 and the
said Apache Motorcycle was seized by Excise
Police Gopalganj and registered Gopalganj



P.S. Excise F.I.R. No. 204 of 2024 dated 03.03.2024 for alleged offence U/S 30(a) of the 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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