

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8357 of 2024

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Asan Kumar S/o Ranveer Singh, R/o Village-Ram Nagar, P.S.-Naya Gaon,
Distt-Etah, Uttar Pradesh.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Excise and Prohibition Department,
Govt. of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Kaimur at Bhabhua, Bihar.
4. The Superintendent of Police, Gopalganj, Bihar.
5. The Superintendent of Excise, Gopalganj, Bihar.
6. The SHO, Excise Police Station, Bhore, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sudhanshu Prakash, Advocate
For the Respondent/s : Mr.Standing Counsel (25)

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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:-

"i. For issuance of a writ of Mandamus or
any other appropriate order/orders,
direction/directions directing the respondents
to release the vehicle of the petitioner which is
a Fire Red coloured CELERIO Car having
Registration No3 UP-16-DE-5727, Engine
No.- KIDCNC 073853 67/2020
K10CNC073853 and Chassis No.
MA3TFC62SND152973 which has been
seized by the State officials under the Bhore



P.S. Case No. 53/2024 u/s 30(a) and 41(1) of the Bihar Prohibition and Excise (amendment) Act, 2016;

ii. For direction may be given for disposal of present case in light of the Hon'ble Patna High Court's decision in Sunaina Vs State of Bihar (CWJC No.7920/2023) and Binit Kumar Son Vs The State of Bihar (CWJC No.4040/2023) case.

iii. For any other order/orders, relief/reliefs for which the petitioner may be entitled in the eyes of law.

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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