

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9155 of 2024

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Ravi Kumar S/o Manjul Sah, R/o Kuchaikote, P.S.- Kuchaikote, District-
Gopalganj, Bihar.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey
For the Respondent/s : Mr.Government Pleader (16)

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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 : 21-06-2024

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

*“I. For issuance of a writ in the any other
appropriate order/orders,
direction/directions directing the
respondents to release the vehicle of the
petitioner which is a pearl-white coloured
TVS Apache motorcycle having
Registration No. BR 28X 5525, Engine No:-
AE8HL2117373 and Chassis No.
MD634AE89L2H18592 which has been
seized by the State officials under the
Kuchaikote P.S. Case NO. 479/2023 u/s
30(a) of the Bihar Prohibition and Excise
Amendment Act, 2018; and or
ii. For any other order/orders, relief/reliefs
for which the petitioner may be entitled in
the eyes of law.”*



2. The alleged offence is stated to have been committed on 21.09.2023 today, the confiscation proceedings have not attained finality. That apart, the petitioner has not approached the concerned authority in seeking release of the subject matter of the motor vehicle bearing Registration No. BR 28X 5525, (motorcyclepearl-white coloured TVS Apache motorcycle). The petitioner has remedy of submission of application 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. Before invoking the aforementioned provisions and approaching the concerned authority, the petitioner has rushed to this Court. Be that as it may, even there is no representation. For seeking writ of mandamus, there must be a demand before the competent authority. At the same time, duty is cast on the concerned public authority. The first ingredient of demand before the competent authority is not forthcoming.

3. Accordingly, the present writ petition is pre-mature and it stands disposed of as not maintainable.

4. Disposal of the present writ petition would not be a hurdle for the petitioner to invoke remedy under Rule 12 A of Bihar Prohibition and Excise Rules, 2021 including amended provisions in the year 2022 and 2023. If such application is



submitted before the competent authority in the prescribed form, the concerned authority is hereby directed to consider the petitioner’s grievance within a period of two weeks from the date of receipt of such application under Rule 12 A of Bihar Prohibition and Excise Rules, 2021 including amended provisions in the year 2022 and 2023.

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

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

krishnakant/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.06.2024
Transmission Date	NA

