

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9599 of 2024

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Asma Khatun, W/o Jainudin Ansari, Ro Village- Ghosiya, P.S.- Hathua,
District- Gopalganj.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Bihar Prohibition and Excise Department, Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The superintendent of Excise, Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. The Officer in charge, Bhore P.S., District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Harendra Prasad, Advocate
For the Respondent/s : Mr.Standing Counsel (21)

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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 : 01-07-2024

In the instant petition, petitioner has prayed for the
following reliefs:-

*“(i) To issue an appropriate order/s,
direction/s including a writ preferably in nature of
Mandamus commanding the respondents to release
the Splendor plus motorcycle bearing Reg. No.
BR28AC-6599, Chassis No.
MBLHAW231PHAA1498, Engine No.
HA11E8PH62191 in favour of the petitioner who is*



owner of the said motorcycle seized in Bhore P.S. Case No. 437 of 2023 registered under section 30(a)/ of Bihar Prohibition and Excise Act, 2016 lying in the premises of Police Station and subject to natural decay to the satisfaction of learned District Magistrate, Gopalganj.

(ii) Any other relief/s to which the petitioner is entitled in the facts and circumstances of the case.”

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 such application.

5. If the confiscation of the vehicle has attained finality, in that event, petitioner is at liberty to prefer an appeal before the appropriate authority.

6. With the above observation, the present petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

Manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.07.2024
Transmission Date	NA

