

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9836 of 2024

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Raza Kumar @ Raja Kumar, Son of Anjesh Kumar Resident of Achura, P.S.-
Barh, District Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department Gov-
ernment of Bihar Patna.
2. The Principal Secretary, Excise Department Government of Bihar Patna.
3. The District Magistrate-Cum-Collector, Patna.
4. The Senior Superintendent of Police, Patna.
5. The SHO, Barh, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Bihari Singh, Advocate
For the Respondent/s : Mr.Standing Counsel (28)

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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 release the Mahindra Scorio
registration no. BR-01PG-3722, Chassis No.
MA1TA2SJXG2C25780, Engine No. SJG4C10022
of the petitioner, which was seized by the police of
Barh police station in connection with Barh P.S.
Case No. 385/2024 registered under section 341,
323,379,504,389,34 of I.P.C. and 30(a) of Bihar*



Prohibition Excise Act, 2016.

(II) For any other appropriate relief/reliefs to which the petitioner is found entitled in the facts and circumstances of the present 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	N.A

