

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9980 of 2024

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Guddu Chaudhary, Son of Jagdish Chaudhary @ Jagdish Chaudhari, Resident
of Village-Sahora, Atri, Gaya.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Bihar, Patna.
2. The District Magistrate, Gaya, Bihar.
3. The Senior Superintendent of Police, Gaya, Bihar.
4. The Officer-Incharge, Atri Police Station, District-Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh
For the Respondent/s : Mr.Government Advocate 13

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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 : 02-07-2024

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

*“(1) That this is an application for issuance
of appropriate writ(s), direction(s) to the
respondents for release of the Vehicle of the
petitioner in his favour which is one Hero Streme
Sports Motorcycle bearing Regd. No. BR02AQ-
3221, Chassis No. MBLKCS291JGG00402, Engine
No. KC12EHJGG00992 and has been seized in*



Atri P.S. Case No. 103/24 dated 25.03.2024 instituted for the offences U/SS- 30(a) and 37 of Bihar Prohibition and Excise Amendment Act, 2022 on 25.03.2024 and for which neither any Confiscation proceeding has been initiated nor any notice in this regard has been issued or served to the petitioner till date.

AND/Or for any other appropriate relief(s) to the petitioner for which he may be found entitled to in the eye 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 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	03.07.2024
Transmission Date	NA

