

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10195 of 2024

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Kajol Devi Wife of Rajan Singh Resident of Village- Bahadurpur, P.S.
Masrakh, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through The Principal Secretary, Department of Prohibition and Excise, Govt. Of Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Sub- Divisional Officer, Gopalganj.
5. The Officer-in-Charge, Gopalpur Police Station, Distt- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhramveer

For the Respondent/s : Mr. Government Advocate 2

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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 : 08-07-2024

Heard learned counsels for the parties.

2. In the instant writ petition, petitioner has prayed for the following relief/reliefs:

*“That this writ application is being
filed on behalf of the petitioner for direction upon
the Respondents to release the seized motorcycle
of the petitioner i.e. T.V.S. Apache 160 cc, bearing
Reg. No. BR04M-5685, Chesis No.
MD634KE48D2A48263, ENGINE No.*



*0E4AD2435639 which is seized in connection with
Gopalpur P.S. case No. 220 of 2023, U/S 30(a) of
Bihar Prohibition & Excise Amendment Act,
2022.”*

3. In support of the aforementioned relief, there is no demand before the competent authority, in particularly, 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.

4. In the absence of demand before the competent authority, the instant writ petition filed for direction under Article 226 for a writ of mandamus, is not maintainable or it is premature. Accordingly, the instant writ petition stands disposed of as premature.

5. Disposal of the instant writ 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.

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



7. With the above observation, instant writ petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.07.2024
Transmission Date	NA

