

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10779 of 2024

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Umesh Hajara, son of Late Jagu Hajra resident of Village-Phatetola, P.O.
Karariya, P.S. Kotwa, District-East Champaran.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Prohibition and Excise, Govt. of Bihar, New Secretariat, Patna.
2. The District Magistrate, Bettiha, (W) Champaran.
3. The Superintendent of Police, Bettiha, (W) Champaran.
4. The Officer in Charge, Dhanaha, Dist. Bettiah (W) Champaran.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Shanti Bhushan Singh, Advocate
For the Respondent/s : Mr.Government Pleader (14)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 22-07-2024

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

*“(i) That this Writ application is being filed
on behalf of the petitioner for direction/directions
upon the Respondents to release the Mahindra
Pick-Up vehicle of the petitioner bearing Reg. No.
BR05GA9889, Chassis No.
MA1ZU2TBKH1J70640, Engine No. TBH1J84500,*



which is seized in connection in Dhanaha P.S. Case No. 46 of 2024, dt. 03.03.2024, U/S 30(a) of the Prohibition & Excise Amendment Act, 2022.”

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)

(G. Anupama Chakravarthy, J)

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CAV DATE	
Uploading Date	
Transmission Date	

