

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10965 of 2024

=====

Mukesh Kumar S/o- Nafe Singh R/o Vill.-Naina, P.s.-Pundri, Dist.-Kaithal,
Haryana.

... .. Petitioner/s

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 Police, Gopalganj.
4. The Officer in Charge of Kuchaikot Police Station, District-Gopalganj.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Advocate
For the Respondent/s : Mr. Standing Counsel (10)

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 24-07-2024

Heard learned counsels for the respective parties.

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

*“a. For That this civil writ application
is being filed for commanding and directing the
respondent authorities to release the Swift Desire
Car of the petitioner bearing original Reg. no.
Reg. no. HR64A3170 and he has every valid
document for the same But Police has Write wrong
Reg. No. BR31AR4684 of said car in the F.I.R
remaining engine and chassis number are same to
the F.I.R. and the manipulated Reg. no. is*



BR31AR-4684 and having Chesis no. MBHCZFB-3SNG289651, Engine no. - K12NP4122863, seized by KUCHAIKOT Police Station, Gopalganj in connection with Kuchaikot P.S. case No. 434/23 registered u/s – 420, 467, 468, 34 of IPC and 30(a) of Bihar Excise Act, in favor of the petitioner or his representative.

b. Any other relief/s to which the Petitioner is entitled in the facts and circumstances of the case.”

3. In support of the aforementioned reliefs, 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 of the Constitution 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 12-A 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 has attained finality, in that event, petitioner is permitted to prefer appeal before the appellate 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	N A
Uploading Date	25.07.2024
Transmission Date	NA

