

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12584 of 2024

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Amrita Kumari, Wife of Sonu Kumar, Resident of Village- Jiradei, P.S.-
Jiradei, District- Siwan.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The District Magistrate, Siwan.
3. The Superintendent of Police, Siwan.
4. The Officer-in-Charge, Siwan Excise, Police Station, Siwan.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Ayush Kumar, Advocate Mr. Ajay Kumar Tiwary, Advocate Mr. Kanishka Shankar, 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 : 30-09-2024

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

*“(i) For issuance of appropriate writ in the
nature of mandamus commanding and directing the
respondent authorities to release the Splender
Motorcycle of the petitioner bearing Reg. No.
BR29AN-2959 seized by the Siwan Excise police in
connection with Siwan Excise Police Station Case
No. 1098 of 2023 registered under section 30(a)
and 41 of Bihar Prohibition Excise Amended Act*



2022, in favour of the petitioner or his representative, the vehicle in question has been seized with allegation that 1.260 liter foreign liquor from the pocket and waist of arrested person who are seating on motorcycle, the case is presently pending in the court of learned Exclusive Special Judge Excise Court No.II, Siwan.

(ii) For the issuance of any other relief/reliefs to which the petitioner may found entitled to in the facts and circumstances of the present facts and circumstances of the case in favour of the petitioner.”

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 Writ 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)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.10.2024
Transmission Date	NA

