

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11095 of 2024

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Raju Kumar Son of Late Hari Shankar Prasad Resident of Village- Prathmik School Mathiya, M Dudhi, Kusi Nagar, Dudhai, P.S. Vishanpura, District- Kusi Nagar (Uttar Pradesh).

... .. Petitioner/s

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, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Officer-in-Charge, Kuchaikot Police Station, Distt.- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dhramveer, Advocate
For the Respondent/s	:	Mr. Government Pleader (27)

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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 : 26-07-2024

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

“(i) This writ application is being filed on behalf of the petitioner for direction/directions upon the Respondents to release the seized Bolero Pickup vehicle of the petitioner bearing Reg. No. UP2AT-1882, which is seized in connection with Kuchaikot P.S. Case No. 254 of 2024, U/S 30(a) of the Bihar Prohibition & Excise 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)

(Alok Kumar Pandey, J)

Ranjeet/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	29.07.2024
Transmission Date	N/A

