

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13170 of 2024

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Dilip Kumar Sah alias Dilip Kumar Gond Son of Ranglal Sah @ Ranglal
Gond, Resident of Village- Korara, P.S.- Mairwa, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
3. The Collector-cum- District Magistrate, Siwan.
4. The Superintendent of Police, Excise, Siwan.
5. The S.H.O. Excise P.S. Siwan, District- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate
For the Respondent/s : Dr. Md. Raisul Haque, SC-10

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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 : 03-09-2024

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

“(i) for a direction upon the respondents, particularly Respondent Nos. 3 to 5 to release the Hero Passion Pro Motor Cycle bearing Registration No. BR-29W-5363, Chassis No. MBLHA10BSGHD23123, Engine No. HA10EVGHD20418, in favour of the petitioner which was seized in connection with Excise PS Sadar Siwan PS Case No. 241 of 2024 dated 25.04.2024 registered Under Section 30(a) of the Bihar



Prohibition and Excise (Amendment) Act, 2022.

(ii) for any other relief(s) as the petitioner may found entitled.”

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)

vinita/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	05.09.2024
Transmission Date	N/A

