

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13343 of 2024

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Vikash Kumar S/o-Murat Ray R/oVill.- Sundarpur, P.S.- Kesariya, District-
East Champaran, Bihar.

... .. 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 Baikunthpur Police Station, District-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Adesh Raj, Advocate
For the Respondent/s : Mr. Kumar Pankaj, AC to SC-5

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

2 06-09-2024 In the instant petition, petitioner has prayed for the
following relief(s) :

*“ for issuance of appropriate writ
order or direction or writ in the nature of
Mandamus commanding and directing the
respondents authorities to release the Black
Hero Splendor Plus Motorcycle of the
petitioner bearing Reg. no. BR-05AW-0383
and he has every valid document for the
same and having Chesis no.-
MBLHAW126NHFA 4479, Engine No.
HA11EYNHF65167, seized by Baikunthpur
Police Station, Gopalganj in connection with*



Baikunthpur P.S case no. 12/24 registered u/s-30(a) of Bihar Excise Act, in favor of the petitioner or his representative”.

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)

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