

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13658 of 2024

Rituraj Singh S/o-Late Bhupnarayan Singh R/O- Vill.-Khiriya, P.S.- Tarayn
Suzan Dist.-Khushi Nagar, Uttar Pradesh.

... .. 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.Adesh Raj, Advocate
For the State	:	Mr.Sunil Kumar Mandal, SC3 Mr.Bipin Kumar, AC to SC3

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

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

2 13-09-2024 Heard learned counsels for the parties.

2. In the instant writ petition, petitioner has prayed for
the following relief(s):-

“a. For that this civil writ application is being filed for commanding and directing the respondent authorities to release the Vitara Brezza Car of the petitioner bearing Reg. No. UP54AA5927, Chessis No. MA3NYFBISHH267871, Engine No.-D13A5489680, seized by KUCHAIKOT Police Station, Gopalganj in connection with Kuchaikot P.S case no. 303/24 registered u/s- 30(a) of Bihar Excise Act, on dated 13/7/24 in favour 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 relief, there is no demand before the competent authority, in particular, 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 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 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.

6. If the confiscation proceedings of the subject matter of vehicle has attained finality, in that event, petitioner is at liberty to prefer an appeal before the appropriate authority.



7. With the above observation, instant writ petition
stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

abhishekk/-

U			
---	--	--	--

