

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12591 of 2024

Manjari Devi wife of Saral Prasad alias Umashankar Prasad, (Date of birth wrongly stated in the I.D. Proof) resident of Sareya, Ward No. 6, Police Station - Gopalganj, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Department of Excise and Registration, Government of Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The S.H.O. Kuchaikote P.S., Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh
For the Respondent/s : Mr.Government Pleader 2

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

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

Date : 31-08-2024

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

That this is an application for issuance of an appropriate writ and/or direction commanding the respondents to release the vehicle Honda CD 110 motorcycle bearing Registration No. BR 28AB- 2225 which has been seized pursuant to lodging of an F.I.R. bearing Kuchaikote P.S. Case No. 112 of 2024 for the offence under Section 30(a) of Bihar Prohibition and Excise Amendment Act. The petitioner has not been made accused in this case. The confiscation proceeding ws initiate bearing confiscation Case No. 510 of 2024.

2. In support of the aforementioned relief, there is no demand before the competent authority in particularly 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.

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 12 A 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. With the above observation, the present petition stands disposed of.

6. Even though petitioner has submitted representation and it cannot be treated as application under Rule 12 A of Bihar Prohibition and Excise Rules, 2021 including amended provisions in the year 2022 and 2023 for the



reasons that Rule prescribed format and in that format he has to file application. If such application is filed, the concerned authority shall decide at the earliest within a period of two weeks from the date of receipt of such application.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

vashudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.09.2024
Transmission Date	NA

