

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14652 of 2024

Chandrabhanu Prasad Singh son of Rambahadur Singh @ Sorambahadur Singh, resident of Village-Chauki, Ward No. 06, Police Station-Sahebpur Kamal, District-Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary of Excise Department, Bihar at Patna.
2. The Collector cum District Magistrate, Begusarai.
3. The Superintendent of Police, Begusarai.
4. The Superintendent Excise Prohibition, Begusarai.
5. S.H.O. Excise P.S., District-Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sarvottam Kumar, Advocate
For the Respondent/s : Mr.Rajesh Kumar, AC to GP3

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SHASHI BHUSHAN
PRASAD SINGH

ORAL ORDER

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

2 04-10-2024 Heard learned counsels for the parties.

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

i. For issuance direction especially to the respondent no. 2 to release the Tata Yodha Pickup bearing Reg. No. Br-09-GB-5661, which was seized in Manjhol P.S. Case No. 50 of 2024 for offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2018 dated on 18.07.2024 in favour of the petitioner.

ii. Also for any other relief/reliefs for which the petitioner is entitled in the eye of the law.

3. 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.

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)

(Shashi Bhushan Prasad Singh, J)

Ankit Kumar/-

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