

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15769 of 2024

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Dhirendra Singh, Son of Mukhdev Singh, Resident of Village- Seuwa, P.S. -
Tilauthu, District- Rohtas.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Registration Excise and Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Confiscating Authority, Rohtas at Sasaram.
3. The Superintendent of Police, Rohtas at Sasaram.
4. The S.H.O., Tilauthu Police Station, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad, Advocate
For the Respondent/s : Mr. Standing Counsel (6)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 26-10-2024

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

*“(I) To issuance of appropriate writ(s)/
Order(s)/Direction(s) in the nature of a writ of
mandamus directed to the Respondent Authorities
to release the seized vehicle Bajaj Platina bearing
Registration No. BR-26U-6892 in the name of
petitioner, which has been seized by Tilauthu
Police under under Bihar Prohibition and Excise*



Amendment Act-2022 in Tilauthu P.S. Case No. 91/2023 dated 24.04.2023.

(II) To grant any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case.”

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)

(S. B. Pd. Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.10.2024
Transmission Date	NA

