

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14378 of 2024

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Dinesh Sah Son of Dakbari Sah, Resident of Village-Sujanpur, Khalgaun, P.S.
Gopalpur, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through The Principal Secretary, Department of Prohibition and Excise, Govt. of Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Officer in Charge, Gopalganj Police Station, Dist. Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dhramveer, Advocate
For the Respondent/s	:	Mr. Government Pleader 24

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

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

Date : 01-10-2024

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

“That this Civil Writ is being filed on behalf of the petitioner for direction upon the Respondents to release the seized Honda Splender motorcycle bearing Reg. No. BR28AA-9042, Chesis No. MBLHAW124NHD56644, ENGINE NO. HA11EDNHD91159, which is seized in connection with Gopalpur P.S. Case No. 141 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 issuance of writ of mandamus is not maintainable or it is premature. Accordingly, the present writ petition stands disposed of as premature.

4. Disposal of the present writ petition would not be a hurdle for the petitioner to invoke remedy under Rule 12 A of the 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 a 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 appellate authority.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.10.2024
Transmission Date	NA

