

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 14692 of 2024

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Pramod Kumar Raut Son of Mahabir Raut Resident of Village- Maksudpur,
P.O.- Basantpur Bangla, P.S.- Amnour, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The District Magistrate, Saran.
3. The Superintendent of Police, Saran.
4. The Excise, Superintendent, Saran.
5. The Officer-In- Charge, P.S.- Bheldi, District- Saran.
6. The Investigating Officer of Bheldi P.S. Case No.- 240 of 2024, P.S.- Bheldi,
District- Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Advocate
For the Respondent/s : Mr. Government Pleader

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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 of an appropriate writ/order/ or direction in the nature of mandamus, commanding the Respondents to release the petitioner's motorcycle bearing Registration No. BR04AH6617, Engine No. HA11EYMHA76898, Chasis No. MBLHAW12MHA76615, in favour of the petitioner, which was seized by the police in connection with Bheldi P.S. Case No.



240 of 2024 dated 25.07.2024 for the alleged offence under Section 30(a) of the Bihar Prohibition and Excise Act.

ii. For any other relief/reliefs 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)

(Shashi Bhushan Prasad Singh, J)

Ankit Kumar/-

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