

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15454 of 2024

Chandan Kumar Yadav @ Chandan Kumar, S/o- Dhaneshvar Yadav, R/o- Barkagaon Fatehpur, P.S.- Mirganj, Distt.- Gopalganj.

... .. Petitioner/s

Versus

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

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr. Government Pleader (24)

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 05-10-2024 None appears for the petitioner.

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

*“(i) For directing and commanding the
respondent authorities to release the Vehicle
namely TVS Apache RTR-160 Motorcycle, bearing
Registration No.-BR28AC0416, Engine No. AE8
DP2017516 and Chassis No.
MD634BE84P2D18922 in favour of the petitioner
which has been seized in connection with Vijaipur*



P.S. Case No. 134/2024 registered on 25.06.2024 under Section 30(a) of Bihar Prohibition and Excise Act-2016.

(ii) For directing and commanding the respondent authorities to release the Vehicle namely TVS Apache RTR-160 Motorcycle in the favour of the petitioner on the ground that the petitioner is the owner of the said Vehicle and same is lying under open sky in the police station as nobody is there to take care of the motorcycle.

(iii) For issuance of any other relief or relief(s) for which the petitioner is entitled for.”

3. 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.

4. 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.

5. 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.

6. If the confiscation of the vehicle has attained finality, in that event, petitioner is at liberty to prefer an appeal before the appropriate authority.

7. With the above observation, the present petition stands disposed of.

(P. B. Bajanthri, J)

(Shashi Bhushan Prasad Singh, J)

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