

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 14655 of 2024

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Kapil Tripathi S/o Arvind Tripathi R/o-H-12 Vijay Vihar Phase-1, P.S. Rohini
in the District of North West Delhi.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary Excise and Prohibition Department
Govt. of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, West Champaran, Bihar.
4. The Superintendent of Police, West Champaran, Bihar.
5. The Superintendent of Excise, West Champaran, Bihar
6. The SHO, Police Station, Naurangiya, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sudhanshu Prakash, Advocate
For the Respondent/s : Mr.Deepak Sahay Jamuar, AC to AAG4

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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 a writ of
Mandamus or any other appropriate
order/orders, direction/directions
directing the respondents to release the
vehicle of the petitioner which is a
Daytona Gray coloured PUNCH Car
having Registration No. DL11CE3948,
Engine No. REVTRN20PWXML1450 and
Chassis No. MAT634059PPPM5436
owner name Kapil Tripathi which has
been seized by the State officials under*



the Naurangiya P.S. Case No. 52 of 2024 under Section 30(a) of the Bihar Prohibition and Excise (amendment) Act, 2022;

*ii. For direction may be given for disposal of present case in light of the Hon'ble Patna High Court's decision in **Sunaina Vs State of Bihar** (CWJC No. 7920 of 2023)*

iii. For any other order/orders, relief/reliefs for which the petitioner may be entitled in the eyes of law.

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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