

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15870 of 2024

=====

Saddam Hussain Shah @ Sadam Hussain Shah Son of Halim Singh, Resident of Village-Sarsar, Police Station-Siwan Muffasil, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
3. The Collector cum District Magistrate, Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. The S.H.O. Phulwaria P.S., District-Gopalganj.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh
For the Respondent/s : Mr.Standing Counsel (16)

=====

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 : 28-10-2024

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

"(i). For a direction upon the respondents, particularly Respondent No. 3 to 5 release the Bajaj Pletina Motorcycle bearing Reg. No. BR-29AW-2795, Chasis no. MD2B77AX1PPK67250, Engine No. PFXPPK59633 in favor of the petitioner which was seized in connection with Phulwaria P.S. Case No. 37 of 2024 dated 24.01.2024



registered u/s 30(a) of the Bihar Prohibition & Excise Act, 2016.

(ii). For any other relief or reliefs as the petitioner may found entitled by this Hon'ble Court be given."

2. In support of aforementioned reliefs, 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 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.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

Nirajkrs/Ankit

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.10.2024
Transmission Date	

