

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15684 of 2024

=====

Lal Babu Yadav S/o Bishwanath Yadav, R/o Village-Siyari Mathiya, P.S.-
Siwan Mufassil, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj, District-Gopalganj.
4. The Incharge Dy. Superintendent of Police cum S.H.O. Hathua, District-Gopalganj.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate
For the Respondent/s : Mr. Additional Advocate General (12)

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

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

3 26-11-2024 In the instant writ petition, petitioner has prayed for
the following reliefs:-

*“That this writ application is
being filed for issuance of an appropriate
writ or direction to the respondents to show
cause as to why not the motorcycle of the
petitioner bearing registration No. BR29M
9564, Chasis No. ME4JC36KDD7226060,
Engine No. JC36E77649385 be release in
his favour and during pendency of this writ
application the said motorcycle may not be
put on auction.”*



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, with a condition that petitioner is permitted to invoke remedy of appeal before the Appellate Authority under Section 92 of the Bihar Prohibition and Excise Act, 2016 in the event of any confiscation proceedings has attained finality.

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.

6. At this stage, learned counsel for the State on instruction submitted that the subject matter vehicle stated to have been released in favour of the petitioner. In that event the petitioner has to face confiscation proceedings if any. The Confiscation Authority if he has not finalized the confiscation, he is hereby directed to comply in terms of Section 58 of Bihar Prohibition and Excise Act, 2016.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

Ankit Kumar/-

U			
---	--	--	--

