

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16426 of 2024

Vivek Kumar son of Soran Singh Sharma, R/o-I-201, Jasmine Bloc, Niho Scottish Garden, Ahinsa Khand-2, Indrapuram, Shipra Sun City, P.S.-Gaziabad, District-Gaziabad (UP) Propitiator of Hi-Tech Elevators Private Limited.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary Excise and Prohibition Department, Gov. of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Gopalganj, Bihar.
4. The Superintendent of Police, Gopalganj, Bihar.
5. The Superintendent of Excise, Gopalganj, Bihar.
6. The SHO, Gopalpur Police Station, Gopalganj, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Harshvardhan, Advocate Mr. Sudhanshu Prakash, Advocate Ms. Supriya Kumari, Advocate
For the State	:	Shri Anirban Kundu, SC 24

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

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

2 29-10-2024 In the instant writ petition, petitioner has prayed for
the following reliefs:

*“i. For issuance of a writ of
Mandamus or any other appropriate
order/orders, direction/directions
directing the respondents to release the
motorcycle bearing Registration No. UP-
14-CE-7572 for White Coloured Car
having, Engine No. - 101A20000478824*



*and Chassis No. MAT613461ELC08685
which is lying in the Gopalpur Police
Station, Gopalganj in the favour of the
petitioner forthwith*

*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.
7920/2023)*

And/or

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

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. In the event of confiscation proceedings have attained finality, petitioner is at liberty to file appeal before the appellate authority. If such appeal is filed by the petitioner, the same shall be decided within a period of three months from the date of receipt of such memorandum of appeal filed.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

GAURAV S./-

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