

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17247 of 2024

=====

Akhilesh Kumar @ Akhilesh Singh Son of Arjun Singh Resident of Village-
Karwandiya, Police Station- Sasaram, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Superintendent of Police, Rohtas.
3. The Officer Incharge, Sasaram, Rohtas.
4. The Investigating Officer, Sasaram, Rohtas.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Kamla Kant Pandey
For the Respondent/s	:	Mr.Standing Counsel 09

=====

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 : 22-11-2024

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

*“(i) A writ in the nature of mandamus or any
other appropriate writ, order or direction directing
the Respondent specially to the Respondent No.2 to
release the Tractor Registration No. BR24GA-
having Chassis No. RFNB08591 and Engine No.
S3A85D320RS2000 in the favour of the petitioner.*

*(ii) A writ in nature of mandamus other
appropriate writ the release the operation of order
dated 12.08.2024 that the petitioner is authorised*



person of the Tractor Registration No. BR24GA/0536 and Chassis No. RFNB08591 and Engine No. RENB08591 and Trailer Registration No. BR24GA0538.

(iii) Any other appropriate writ order or direction which your Lordship deem fit and proper.”

2. 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.

3. 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.

4. 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.

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

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.11.2024
Transmission Date	NA

