

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16115 of 2024

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Aman Prasad S/o Harilal Prasad Resident of Mohalla-naqinha Ratasiya Kothi
P.S.-Deoria, District-Deoria (U.P.).

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary Excise Department, Bihar, Patna.
2. The Commissioner, Excise Department, Bihar Patna.
3. The District Magistrate, Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. The Officer-in-Charge, Hathua P.S., District-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Shyamli Kumari, Advocate
For the State	:	Mr. Ajay Behari Sinha, GA 8
		Mr. Suryakant Kumar, AC to GA 8

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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 26-10-2024 In the instant writ petition, petitioner has prayed for
the following reliefs:

“(I) For issuance of any appropriate writ or writs file of direction to the District Magistrate Gopalganj, the respondent to release the Bajaj Pulsar Motorcycle bearing regd. No.- UP-52 BM-6424, Chassis No.- MD2B68BX7MRB27102, Engine no. - DHXRMB90813 of the petitioner which has been seized under Excise Act in



connection with Hathua P.S. Case No. 108/2024.

(II) For issuance of any appropriate writ or writs order or orders, rule or directions as your Lordships may deem fit and proper to the facts and circumstances of the case as well as for which the petitioner may be found entitled there too.”

2. In support of aforementioned reliefs, 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.

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)

GAURAV S./-

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