

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17320 of 2024

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Akash Kumar, S/o Nand Kishor Prasad R/o Neem Ki Bhatti, Gulzarbagh,
Dadar Mandi, P.S.- Khajekalan, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Bihar Prohibition and Excise Department, Bihar, Patna.
2. The District Magistrate, Patna.
3. The Superintendent of Excise, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Officer in Charge, Gopalpur Police Station, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate
For the Respondent/s : Mr. Standing Counsel 4

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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) To issue an appropriate order/s,
direction/s including a writ preferably in nature of
Mandamus commanding the respondents to release
the vehicle/ TVS Jupiter 125 Scoty bearing
Registration NO. BR-01HS-0263 Chassis NO.
MD626AK46P1P19246 Engine No.
BK4PP1417409 in favour of the petitioner who is



owner of the said car seized in Gopalpur P.S. Case No. 342 of 2024 registered under section 30(a)/ of Bihar Prohibition and Excise Amendment Act, 2022 lying in the premises of Police station and subject to natural decay by furnishing fine to the satisfaction of learned District Magistrate, Patnáj

(ii) Any other relief/s to which the petitioner is entitled in the facts and circumstances of the case.”

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)

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

