

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18334 of 2024

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Rajesh Kumar S/o Lal Babu Sah, R/o Matihani Madho, P.S.- Mirganj,
District- Gopalganj, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary Excise and Prohibition Department,
Govt. 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, Gopalganj Police Station, Gopalganj, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey, Advocate
For the Respondent/s : Mr.Standing Counsel (4)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

2 06-12-2024 Heard learned counsels for the parties.

2. In the instant writ petition, petitioner has prayed for
the following relief(s):-

*“(i) For issuance of a writ in the
any other appropriate order/orders,
direction/directions directing the
respondents t release the vehicle of the
petitioner which is Hero Splendor Plus
motorcycle having Registration No. BR
29AZ MBLHAW212PHL00949 which has
been seized by the State officials under the
Gopalganj Excise P.S. Case No. 693/2024
u/s 30(a) of the Bihar Prohibition and
Excise Amendment Act, 2018 dated
05.09.2024.*



(ii) For any other order/orders, relief/reliefs for which the petitioner may be entitled in the eyes of law.”

3. In support of the aforementioned relief, 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.

4. In the absence of demand before the competent authority, the instant writ petition filed for direction under Article 226 for a writ of mandamus is not maintainable or it is premature. Accordingly, the instant writ petition stands disposed of as premature.

5. Disposal of the instant writ 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.

6. If the confiscation proceedings of the subject matter of vehicle has attained finality, in that event, petitioner is at liberty to prefer an appeal before the appropriate authority.



7. With the above observation, instant writ petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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