

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18375 of 2023

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Pinki Devi Wife of Shyamnandan Rai Resident of Village-Shahjahanpur
Balukaram P.S.-Vaishali, Distt-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Excise Department Govt. of Bihar Patna.
2. The Director General of Police Bihar Patna.
3. The Superintendent of Police, Siwan.
4. The District Magistrate-Cum-Collector Siwan.
5. The Dy. Superintendent of Police, Siwan.
6. The S.H.O. Excise P.S., Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumari Anupam, Advocate
For the State : Mr. Subodh Kr. Mishra, GP-14

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

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

2 08-01-2024 In the instant petition petitioner had prayed for
following relief:

A) In the nature of mandamus and/or any
other appropriate writ/s, order/s, direction/s for:
(I) Releasing of Maruti Alto Car registration



no. BR-31PA 6997 Chassis No.
MASEZDE1500553187, Engine KI0BN2250522
seized in connection Excise P.S. Case No. 351/2022
instituted u/s 30(a) of the Bihar Prohibition and Excise
Act 2016, awaiting confiscation.

2. Arising out of Excise P.S Case No. 351 of 2022
petitioner had approached the Trial Court for release of the
subject matter of vehicle and it was dismissed by Excise Trial
58 of 2023 on 08.05.2023 with reference of maintainability of
the case, hence the present petition is filed.

3. Learned counsel for the petitioner submitted that
Subject matter of vehicle was not at all involved in the offences
under Section 30 (a) of the Bihar Prohibition and Excise Act,
2016. In this regard, the petitioner has statutory remedy of
submission of application Rule 12-A read with the amendment
in the year 2022/2023. Without exhausting such remedy
petitioner has rushed to this Court. Nevertheless, the present
petition is premature, accordingly, petition stands disposed off
as premature.

4. Disposal of the present petition would not be a
hurdle for the petitioner to invoke Rule 12-A read with the
amendment of Bihar Prohibition and Excise Rules, 2021 read
with amended rules in the year 2021 and 2022. If such
application is submitted before the competent authority, the
competent authority is hereby directed to decide the petitioner's



application within period of two weeks from the date of receipt of such application and communicate the decision to the petitioner. If necessary, petitioner may be heard in the matter for the reasons that petitioner is disputing to the extent that subject matter of vehicle was not involved in the excise offence.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

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