

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18925 of 2024

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Firoj Ansari, Son of Nasruddin Ansari, Resident of Village- Kharpakwa, P.S.- Bhore, Dist- Gopalganj.

... .. Petitioner

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, Gopalganj.
4. The Dy. Superintendent of Police, Gopalganj.
5. The S.H.O. Fulwariya, P.S., Dist.-Gopalganj.

... .. Respondents

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Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Advocate
For the Respondent/s : Mr. Government Pleader (24)

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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 : 12-12-2024

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

“(i) Releasing of Apache Motorcycle registration no. BR28AD-4761, Chassis no. MD634BE85P2P01149, Engine No. AE8PP2500989 seized in connection with Fulwariya P.S. Case No. 182/2024 instituted u/s 30(a) of the Bihar Prohibition and Excise Act, 2016, awaiting confiscation.

B) To any other relief/s to which the petitioner is found entitled to.”

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	13.12.2024
Transmission Date	NA

