

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17862 of 2024

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Khurshed Alam, Son of Asraj Ali Resident of Village- Line Bazar, P.S.- Mir-
ganj District- Gopalganj.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Govt. of Bihar, Patna.
2. The District Magistrate Cum-Collector, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The S.H.O. Kateya Police Station, District-Gopalganj.
5. The Investigating Officer of Kateya P.S. Case No. 275/2024, Kateya Police
Station, District-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Dubey, Advocate
For the Respondent/s	:	Ms. Anuradha Singh, SC-21
		Ms. Nutan Kumari Sharma, AC to SC-21
		Ms. Shatabdi Sinha, AC to SC-21

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 28-11-2024

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

*“(i) A writ in the nature of mandamus or any
other appropriate writ order/orders,
direction/directions to com commanding the
respondent to release, Mahindra Magic bearing
Registration No. BR-28GB-2094, Chassis No.*



MA1KP2UGER3D58964, Engine No. UGR3E45972 in favour of the petitioner which has been seized earlier in connection with Kateya P.S. Case No. 275/24 registered for the offence under section 317(5), 3(5) B.N.S. and 30(a) Bihar Prohibition and Excise (Amendment) Act 2018 dated 19.07.2024 forth with:-

(ii) To any other relief/reliefs for with petitioner is found in titled 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)

(Ramesh Chand Malviya, J)

manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.11.2024
Transmission Date	NA

