

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19325 of 2024

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Alok Singh, Son of Vijay Singh, Resident of Village- Dighwa Dubali, Police Station- Baikunthpur, District- Gopalganj.

... .. Petitioner

Versus

1. State of Bihar Through the Principal Secretary, Excise, Government of Bihar, Patna.
2. The Principal Secretary, Excise, Government of Bihar, Patna.
3. The District Magistrate, Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. The Excise Superintendent, District- Gopalganj.
6. The S.H.O., Gopalpur P.S., District- Gopalganj.

... .. Respondents

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Appearance :

For the Petitioner/s : Ms. Shyamli Kumari, Advocate
For the Respondent/s : Mr. Standing Counsel (28)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 20-12-2024

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

“(1) This application is being filed for issuance of writ/writs, direction/directions, order/orders, command/commands filed for the issuance of writ in the nature of mandamus directing the Respondent authorities, forthwith release the Honda SP 125 Motorcycle, Registration



No.- **BR28AB-2370**, Engine No.- **JC83E-G3420998**, Chassis No.- **ME4JC83FLNGO45859**, in favour of petitioner which has been seized by the Respondent Number 6 on 29.03.2024, in connection with **Gopalpur P.S. Case No. 68 of 2024** dated 29.03.2024, under section 30(a) of Bihar Prohibition and Excise Amendment Act 2018, of which the petitioner is the real and registered owner, and petitioner further prays for grant of any other relief/reliefs for which the petitioner found in title in the facts and circumstances of the case be also given.”

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)

(G. Anupama Chakravarthy, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.12.2024
Transmission Date	NA

