

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18636 of 2024

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Dinesh Kumar, Son of Mahesh Kumar Gupta @ Mahesh Gupta, Parmanent Resident of Village and P.S. Mohaddinagar, District- Samastipur. At present R/O House No. 01, Sukhdev Nagar, P.S. Giasupara, Distt- Ludhiana (Punjab).

... .. Petitioner

Versus

1. The State of Bihar through The Principal Secretary, Department of Prohibition and Exicise, Govt. of Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Officer-in-Charge, Gopalpur Police Station, Dist. Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Dhramveer, Advocate
For the Respondent/s	:	Mr. Ajay Behari Sinha, GA-8
		Mr. Suryakant Kumar, AC to GA-8

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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 : 11-12-2024

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

“(1) That this Civil Writ is being filed on behalf of the petitioner for direction upon the Respondents to release the seized Pick Up Van (Ashok Leyland) bearing, Reg. No. BR06GF-4017, Chesis No. MBJAB42E6RRLV4640, Engine No. LRH206156P, which is seized in connection with



Gopalpur P.S. Case No. 169 of 2024, U/S 30(a)/41 of Bihar Prohibition & Excise Amendment Act, 2022.”

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	12.12.2024
Transmission Date	NA

