

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18250 of 2024

Ajay Tiwari Son of Ravindra Tiwari Resident of Village- Ranipur, P.O. Chakarwa Khas, P.S. Bhore, District- Gopalganj.

... .. Petitioner/s

Versus

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

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dhramveer

For the Respondent/s : Mr.Government Advocate (9)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

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

2 04-12-2024 In the instant writ petition, petitioner has prayed for the following relief:

“That this Civil Writ is being filed on behalf of the petitioner in the nature of Writ/Writs, Order/Orders, Direction/Directions upon the Respondents to release the seized Hero Super Splender Motorcycle of the petitioner bearing Reg. No. BR28AA-2265, Chesis No. MBLJAW176M9G04124, ENGINE No. JA07ABM9G09252, which is seized in connection with Vijaipur P.S. Case No. 192/24 dt. 6.9.2024, Under Section 30 (a) of Bihar Prohibition and Excise Amendment Act, 2022.”

2. In support of the aforementioned relief, there is no demand before the competent authority, in particularly, under



Rule 12 A of the Bihar Prohibition and Excise Rules, 2021 read with the amended Sub-Rule 2 of Rule 12 A in the year 2022 and 2023.

3. In the absence of demand before the competent authority, the present writ petition filed for issuance of writ of mandamus, is not maintainable or it is premature. Accordingly, the present writ petition stands disposed of as premature.

4. Disposal of the present writ petition would not be a hurdle for the petitioner to invoke remedy under Rule 12 A of the 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.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

GAURAV S./-

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