

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18451 of 2023

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Satish Kumar Son of Sri Mahesh Sharma, Resident of Village -Laraha, P.S.-
Dhanara, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Sr. Superintendent of Police, Patna.
4. The Officer In-charge of Ram Krishna Nagar Police Station, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Akash Kumar Mishra, Advocate
For the Respondent/s : Mr. Birju Prasad, GP-13

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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 : 08-01-2024

In the instant writ petition, the petitioner has prayed
for the following relief(s):

“(i) That this application is being filed for
issuance of an appropriate writ(s),
order(s), direction, directing upon the
respondents for release the E.
Rickshaw (P) bearing Registration No.
BR01RA3151, Chassis No.
M6MCGCDL22F003904 which has
been seized in connection with Ram
Krishana Nagar P.S. Case No. 644/2023
registered U/s 30(a)/32 (i) (ii), 41 of



Bihar Prohibition and Excise Act in favour of the petitioner on he in the registered owner of the said vehicle.”

2. The alleged offence is stated to have been committed on 07.10.2023 and as on today, the confiscation proceedings have not attained finality. That apart, the petitioner has not approached the concerned authority in seeking release of the subject matter of the motor vehicle bearing Registration No. BR01RA3151 (E. Rickshaw (P)). The petitioner has remedy of submission of application under Rule 12A of the Bihar Prohibition and Excise Rules, 2021 read with amended sub Rule 2 of Rule 12A in the year 2022 and 2023. Before invoking the aforementioned provisions and approaching the concerned authority, the petitioner has rushed to this Court. Be that as it may, even there is no representation. For seeking writ of mandamus, there must be a demand before the competent authority. At the same time, duty is cast on the concerned public authority. The first ingredient of demand before the competent authority is not forthcoming.

3. Accordingly, the present writ petition is premature and it stands disposed of as not maintainable.

4. Disposal of the present writ 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 before the competent authority in the prescribed form, the concerned authority is hereby directed to consider the petitioner’s grievance within a period of two weeks from the date of receipt of such application.

5. With the above observations, the present writ petition stands disposed of.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

Mayank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.01.2024
Transmission Date	NA

