

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18162 of 2024

=====

Inus Devan Son of Vaalish Devaan, Resident of Village- Sidhwania Bagahi Bazar, P.S.- Kateya, District- Gopalganj.

... .. Petitioner/s

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. 229/2024, Kateya Police Station, District Gopalganj.

... .. Respondent/s

=====

Appearance :
For the Petitioner/s : Mr. Pankaj Kumar Dubey, Advocate
For the State : Mr. Sushil Kumar, GP 22
Mr. K.K. Singh, AC to GP 22

=====

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 reliefs:

“(i) A writ in the nature of mandamus or any other appropriate writ order/orders, direction/directions to command the respondent to release, Hero Super Splender Motorcycle bearing Registration No. UP57BS0336, Chassis No. MBLJAW17XN9E07099, Engine No. JA07ABN9E06563 in favour of the petitioner which has been seized earlier in connection with Kateya P.S. Case No. 229/24 registered for the



offence under section 30 (a) Bihar Prohibition and Excise (Amendment) Act 2018 dated 16.06.2024 forthwith:-

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

2. In support of the aforementioned reliefs, 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./-

U			
---	--	--	--

