

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18489 of 2024

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Amit Kumar Thakur Son of Lal Kishor Thakur, Resident of Village-
Khairamath K, Ward No.10, P.S.- Jaynagar, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Prohibition and Excise, Government of Bihar, Patna.
2. The Secretary, Department of Prohibition and Excise, Government of Bihar, Patna.
3. The Collector-cum-District Magistrate, Madhubani.
4. The Sub Divisional Magistrate, Jaynagar, District- Madhubani.
5. The Superintendent of Police, Madhubani.
6. The Station House Officer, Jaynagar Police Station, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Vikas Kumar Jha, Advocate
For the Respondent/s	:	Mr.Ajay Behari Sinha, GA8
		Mr.Neeraj Raj, AC to GA8

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

2 06-12-2024 Heard learned counsels for the parties.

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

“(i) For issuance of an appropriate writ(s) in the nature of Mandamus directing and commanding upon the respondent authorities to release the vehicle (Baleno Car) having Reg. No. BR06DA7875, Engine No. K12NP7107740 Chassis No. MBHHWB13SNH219693 in favour of the petitioner which has been seized in connection with Jaynagar P.S. Case No.



307/24, dated 16.10.2024 registered for the alleged offence under Section 274, 275, 3(5) of Bharatiya Nyaya Sanhita, 2023 and 30(a) of Bihar Prohibition and Excise Act, 2022 (Amended) as the petitioner is the valid/legal owner of the said vehicle (Car).

(ii) For any other writ/writs, order/orders, directions in the teeth of the facts and circumstances of this case.

(iii) Cost of litigation.”

3. In support of the aforementioned relief, there is no demand before the competent authority, in particular, under Rule 12 A of the Bihar Prohibition and Excise Rules, 2021 read with amended sub Rule 2 of Rule 12 A in the year 2022 and 2023.

4. In the absence of demand before the competent authority, the instant writ petition filed for direction under Article 226 for a writ of mandamus is not maintainable or it is premature. Accordingly, the instant writ petition stands disposed of as premature.

5. Disposal of the instant 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 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.

6. If the confiscation proceedings of the subject matter of vehicle has attained finality, in that event, petitioner is at liberty to prefer an appeal before the appropriate authority.

7. With the above observation, instant writ petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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