

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19067 of 2024

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Ravi Kumar Son of Late Vashawan Yadav @ Basawan Singh Resident of
Village-Chakrahansi, Post-Pandey Patti, P.S.-Buxar Mufassil, District-Buxar.
... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar Patna.
 2. The District Magistrate Cum Collector, Buxar.
 3. The Superintendent of Police, Buxar, District-Bhojpur.
 4. The Officer in-Charge, Itarhi Police Station, District-Buxar.
- Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh, Adv.
For the Respondent/s : Mr. Mahtab Alam, AC to SC 20

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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 : 16-12-2024

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

*“(a) To issue appropriate writ,
order or direction in the nature mandamus
for release of Mahindra Scorpio bearing
Registration Number BR44Q-8473 having
Chassis No. MA1TA2XM2N2E13887 and
Engine No. XMN4E12754 in favor of the
petitioner, which has been seized by Itarhi
Police in connection with Itarhi P.S. Case
No. 173 of 2024 registered on 10.08.2024
under Section 30(a) of Bihar Prohibition
and Excise (Amendment) Act, 2022.*

*(b) This Hon’ble Court may
adjudicate and hold the pre-trial
detention/confiscation aforementioned*



Scorpio Vehicle of the petitioner by the respondents under Bihar Prohibition and Excise (Amendment) Act 2022 is illegal in the eye of law and also the petitioner is entitle for release of his Mahindra Scorpio Vehicle in his favor in terms of Rule 12(B) of Bihar Prohibition and Excise Rule since the petitioner is the owner of said vehicle and he is ready to pay the penalty as prescribed under the law but respondent authority has not send the requisition of seizer of the vehicle of the petitioner before the Collector till date, therefore, no proceeding has been initiated by the respondent Collector either under Rule 12(B) or under section 56 of the Act

(c) To grant any other relief or reliefs under the facts and circumstance of the case under which the petitioner is entitle.”

2. In support of 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 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 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)

Nirajkrs/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17-12-2024
Transmission Date	17-12-2024

