

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18203 of 2023

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Pramod Kumar son of Sri Prithvilal Das, resident of Village-Latauna Uttar,
P.S.-Triveniganj, District-Supaul.

... .. Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition, Government of Bihar, Patna.
2. The District Magistrate- cum- Collector, Araria.
3. The Superintendent of Police, Araria.
4. The Officer- in- Charge of Narpatganj Police Station, Araria.

... .. Respondents.

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Appearance :

For the Petitioner	:	Mr. Amit Kumar Anand, Advocate.
For the State	:	Mr. Uday Shankar Sharan Singh,GP-19.

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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):

“For issuance of mandamus directing and commanding the respondent authorities to release the commercial vehicle Four Wheeler Mahindra Bolero Pic-up bearing registration number BR-11GE/3605, Chassis No.MA1ZU2TNKN1E46649 and Engine No.TNN1E62696 which have been illegally and deliberately seized by the Narpatganj police pursuant to Narpatganj P.S. Case No.567 of 2023 registered for



the offences under sections 272 and 273 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act 2016 and the petitioner also prays for any other relief or reliefs for which he is legally entitled to, on the peculiar facts and circumstances stated in this petition, Pending in the court of learned Exclusive Special Judge Excise-I, Araria in Narpatganj P.S. Case No.567 of 2023.”

2. The alleged offence is stated to have been committed on 26.09.2023 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.BR-11GE/3605 (Four Wheeler Mahindra Bolero Pic-up). 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)

P.S./-

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

