

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.178 of 2024

Shikha Shukla Wife of Rajneesh Shukla, Resident of village - Jhugwa Kushi
Nagar, P.S.- Kashiya, District- Kushi Nagar (Uttar Pradesh).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Prohibition and Excise, Govt. of Bihar, New Secretariat, Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Officer-in-Charge, Hathua Police Station, Dist- Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dhramveer, Advocate
For the Respondent/s : Mr. Government Pleader- 23

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 is present Writ application is being
filed on behalf of the petitioner for
direction/directions upon the Respondent
to release the seized Maruti Artika car
bearing Reg. No. UP57-BL-0824,
Engine No. K15CN9211253, Chesis No.
MA3BNC62SPC604015, which is seized
in connection with Hathua P.S Case No.
280/2023, Under Section 30 (a) of Bihar
Prohibition & Excise Amendment Act,



2022

2. The alleged offence is stated to have been committed on 01.12.2023 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. UP57-BL-0824 (Maruti Artika Car). 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

