

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.398 of 2024

Manoj Kumar Singh Son of Sri Ram Vinay Singh, Resident of Village-
Neknama, P.S.- Sewaipatti, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Prohibition and Registration, Government of Bihar, Patna.
2. The Collector, Muzaffarpur.
3. The Senior Superintendent of Police, Muzaffarpur.
4. The Excise Superintendent, Muzaffarpur.
5. The Officer-in-Charge, Sewaipatti Police Station, District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. H. S. Himkar
For the Respondent/s : Mr. Government Pleader 20

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

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

2 10-01-2024 In the instant writ petition, the petitioner has prayed
for the following relief(s):

1. That this application is being filed on behalf of the petitioner abovenamed for issuance of appropriate writ/writs, order/orders, direction/directions for release of Innova (TOYOTA KIRLOSKAR M) bearing Registration No. BR-06PC-7200, Chassis No. MB11JV40074490490114, Engine No. 2KDU468645 in favour of the petitioner which has been seized in connection with Sewaipatti P.S. Case No. 116 of 2023 dated 11.06.2023 registered under section 30(a) of Bihar Prohibition and Excise Act, 2016 and for grant of any



other consequential relief/reliefs for which the petitioner may be found entitled in the eyes of law.

2. The alleged offence is stated to have been committed on 11.06.2023 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-06PC-7200 (Innova (Toyota Kirloskar M)). 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)

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