

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1244 of 2024

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Rahul Kumar S/o Sidheshwar Prasad, Resident of village - Raja Bigha, P.S.-
Roh, District - Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Divisional Commissioner, Excise Department, Patna Division, Patna.
3. The District Collector, Nawada.
4. The District Superintendent of Police, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate
For the Respondent/s : Mr. Addl. Advocate General, 13

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

ORAL ORDER

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

2 23-01-2024 In the instant petition, petitioner has prayed for the
following relief:

*(i) To release the red colour Honda Shine
motorcycle bearing Registration No. BR27L3250
and chesis no. ME4JC739DKG010422 which was
seized by the respondent authorities in Roh P.S.
Case No. 335/2023 for the offence registered under
Section 30(a) of the Excise Act.*

*(ii) For till date excise confiscation case
has been not initiated.*

2. Learned counsel for the petitioner submitted that as
on this day confiscation proceedings have not been initiated and
concluded.



3. Having regard to the relief sought in the present petition, the present petition is premature and so also it is not maintainable in view of the fact that for seeking writ of mandamus there must be a demand before the competent authority such a demand is not forthcoming so also certain duties assigned to the concerned authority. In the absence of first ingredient the present writ petition is premature. Accordingly, the present petition stands disposed of as premature.

4. Disposal of the present petition would not be a hurdle for the petitioner to invoke remedy under Rule 12-A of Bihar Prohibition and Excise Rules 2021 read with amendment of the aforementioned Rules of the year 2022 & 2023. If such application is submitted in the prescribed form before the competent authority the competent authority is hereby directed to decide the petitioner's application within a period of two weeks from the date of receipt of such application.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

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