

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19534 of 2024

Mamata Devi, Wife of Tuntun Kumar Ram Resident of Village Bagahwa
Misir PS Bhore District Gopalganj.

... .. Petitioner

Versus

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

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Dhramveer, Advocate
For the Respondent/s : Mr. Rajesh Kumar, AC to GP-3

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 17-01-2025

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

“(1.) That this Civil Writ application is being filed on behalf of the petitioner for direction upon the Respondents to release the seized Hero Splendor motorcycle, bearing, Reg. No. BR29AA-2699, Chesis No. MBLHA10CGGHH31891, Engine No. HA10ERGHH43024, which is seized in connection with Mirganj P.S. Case No. 328 of 2024



*dt. 01.08.2024 U/S 317(5) of BNS 2023 & U/S
30(a) of Bihar Prohibition & Excise Act, 2018.”*

2. In support of aforementioned relief there is no demand before the competent authority in particularly under Rule of 12A of the Bihar Prohibition and Excise Rules, 2021 read with amended Sub-Rule 2 of Rule 12A in the year 2022 and 2023.

3. In the absence of demand before the competent authority, the present writ petition for writ of mandamus is not maintainable or it is pre-mature. Accordingly, the present petition stands disposed of as pre-mature.

4. Disposal of the present 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 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.



6. With the above observation, the present petition stands disposed of.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.01.2025
Transmission Date	NA

