

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13374 of 2024

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Anwar Ahmad S/o Abdul Gafur, R/o- A- 274 Bangali Hotel, Shaheed Nagar,
Chikamberpur, Ghaziabad, Uttar Pradesh, PIN-201006.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary Excise and Prohibition Department,
Govt. of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Gopalganj, Bihar.
4. The Superintendent of Police, Gopalganj, Bihar.
5. The Superintendent of Excise, Gopalganj, Bihar.
6. The SHO, Excise Police Station, Kuchaikote, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kumar Harshvardhan
For the Respondent/s : Mr.Addl. Advocate General 7

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

2 06-09-2024 In the instant petition, petitioner has prayed for the
following relief(s):

*“for issuance of a writ of
Mandamus or any other appropriate
order/orders, direction/directions directing
the respondents to release the vehicle of the
petitioner which is an Aurora Black Pearl
coloured KIA SONET Car having
Registration No. UP-14-FK-0907, Engine
No.- G4LFNV229657 and Chassis No.
MZBFB812LNN246170 which has been*



seized by the State officials under the Kuchaikote P.S. Case No. Case No. 252/2024 u/s 30(a) of the Bihar Prohibition and Excise (amendment) Act, 2018;

ii. for direction may be given for disposal of present case in light of the Hon'ble Patna High Court's decision in Deleted Sunaina Vs State of Bihar (CWJC No.7920/2023);

(iii) for any other order/orders, relief/reliefs for which the petitioner may be entitled in the eyes of law.

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)

(Alok Kumar Pandey, J)

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