

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18088 of 2024**

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Pintu Kumar, S/o- Ajay Kumar, R/o- Gram Phulwaria, P.S.- Maker, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Excise and Prohibition Bihar, Patna.
2. District Magistrate Cum Collector, Gopalganj.
3. Superintendent of Excise, Gopalganj.
4. Superintendent of Police, Gopalganj.
5. The Officer-in-Charge of Kuchaicoot Police Station, District- Gopalganj.
6. Boyelal Paswan, Investigating Officer Cum Sun Inspector of Kuchaicoot Police Station, District- Gopalganj.
7. Vivek Kumar Patel, (Informant) PSI of Kuchaicoot Police Station, District- Gopalganj.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : None  
For the Respondent/s : Mr. Standing Counsel 23

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**and**  
**HONOURABLE MR. JUSTICE RAMESH CHAND**  
**MALVIYA**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)**

**Date : 29-11-2024**

None appears for the petitioner.

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

*“(I) That this Writ Petition under Article 226 of the Constitution has been filed by the Petitioner for release of Toyota Glanza Car bearing registration No. BR01HA9167 which has been*



*seized in connection with Kuchaicoot P.S. Case No. 252/2024 registered under section- 30(a) of Bihar Excise amendment act 2022 and also grant such other relief or reliefs for which the petitioner is entitled in law.”*

3. 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.

4. 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.

5. 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.

6. If the confiscation of the vehicle has attained



finality, in that event, petitioner is at liberty to prefer an appeal before the appropriate authority.

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

**(P. B. Bajanthri, J)**

**( Ramesh Chand Malviya, J)**

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