

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18597 of 2024

Nahida Jamal, D/o Maqusood Alam, resident of Mohalla-Narkatiya, P.S.
Narkatiya, District-Gopalganj.

... .. Petitioner

Versus

1. The State of Bihar through its Principal Secretary, Excise Department, Bihar, Patna.
2. The Commissioner, Excise Department, Bihar, Patna.
3. The District Magistrate, Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. The Officer in charge, Excise P.S., District-Gopalganj.

... .. Respondents

Appearance :

For the Petitioner/s : Ms. Shyamli Kumari, Advocate
For the Respondent/s : Mr. A.B. Sinha, GA-8
Ms. Kalpana, AC to GA-8

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 11-12-2024

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

“(i) For issuance of any appropriate writ or writs file of direction to the District magistrate Gopalganj, the respondent to release the YAMAHA R15V4 (Red Colour) Motorcycle bearing regd No. BR01FT3591, Chassis NO.- ME1RG6746N0033538, Engine no.- G3N4E0308113 of the petitioner which has been



*seized under Excise Act in connection with Excise
P.S. Case No. 684/24.*

*(ii) For issuance of any appropriate writ or writs
order or orders, rule or directions as your
Lordships may deem fit and proper to the facts and
circumstances of the case as well as for which the
petitioner may be found entitled there too.”*

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)

(S. B. Pd. Singh, J)

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CAV DATE	
Uploading Date	
Transmission Date	

