

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1442 of 2025

Chandan Kumar, S/o-Purendra Yadav R/o Village-Kauwal, P.S Chhatarpur,
District Palamu (Jharkhand).

... .. Petitioner

Versus

1. The State of Bihar through Commissioner Excise.
2. The District Magistrate-Cum-Collector, Aurangabad.
3. The Director General of Police, Bihar Patna.
4. The Superintendent of Excise, Aurangabad.
5. The Superintendent of Police, Aurangabad.
6. The Station Head Officer, Excise Police Station, Aurangabad.
7. The Sub-Inspector of Excise Police, Station, Aurangabad.
8. The Investigating Officer of Excise P.S. Case No. 981/2024, Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mukul Kumar, Advocate
For the Respondent/s : Mr. Raghwendra Kumar, SC-22

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

Date : 19-02-2025

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

*“(1) That the present writ application is
being filed for issuance of writ in nature of
certiorari or any appropriate writ, order or
direction to direct the respondent authorities to
released the seized eighteen wheelers Hyva Tailor
bearing Reg. No. JH03AK 6835 Chasis No.*



MAT828024P2B05539, Engine No. B67B6A300D02132B64273824 in favour of the petitioner which has been seized in connection with Excise P.S. Case No. 981 of 2024, registered under section 30(a), 32(3) of the Bihar Prohibition and Excise Amendment Act 2018 and section 41(1), 41(2) of the Bihar Prohibition & Excise Act 2016, pending for trial in the Court of Special Judge Excise-II, Aurangabad.”

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	22.02.2025
Transmission Date	NA

