

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2637 of 2025

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Raju Kumar Son of Hiralal Prasad Resident of Village-Visunpura, P.S.
Rampur. Distt- Deoria, State- Uttar Pradesh.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Excise, Prohibition and Registration Department, Government of Bihar, Patna.
2. The Deputy Secretary Excise, Prohibition and Registration Department, Government of Bihar, Patna.
3. The Collector Gopalganj, District-Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. The Sub Inspector Kateya, District-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms.Priya Raj, Advocate
For the Respondent/s : Mr. Navnit Kumar, AC to GP-18

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL JUDGMENT

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

Date : 27-03-2025

In the instant writ petition, the petitioner has prayed for
the following relief(s):

“1. That this is an application for issuance of writ(s), order(s), direction(s) upon the Respondents to release the vehicle bearing Registration No- UP52BE9212, HERO DESTINI-125 Scooty having Chesis No. MBLJFW05XKGL05940, Engine No. JF17EJKGL03487 which has been seized in connection with Kateya P.S.- Case No.- 386 of 2024 dated 06.10.2024, under section 30 (a) Bihar prohibition and



Excise Act-2018 in favour of the petitioner as he is the real and registered owner of the seized vehicle.

2. That the writ petition based on following grounds:-

(i) For that the seized vehicle bearing Registration No- UP52BE9212, HERO DESTINI- 125 Scooty having Chesis No. MBLJFW05XKGL05940, Engine No. JF17EJKGL03487 is purchased and owned by the Petitioner.

(ii) For that the seized Hero Destini scooty is belong to the petitioner and the petitioner has not arrested on the place of occurrence, His name has been transpired only because he is owner of the seized vehicle.

(iii) For that any further reliefs which may grant in favour of the petitioner for releasing the seized Vehicle bearing Registration No- UP52BE9212, HERO DESTINI- 125 Scooty.”

2. In support of the 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 instant writ petition for writ of mandamus is not maintainable or it is pre-mature. Accordingly, the instant writ petition stands disposed of as pre-mature.

4. Disposal of the instant writ 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. With the above observation, the instant writ petition
stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Sinha, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.03.2025
Transmission Date	NA

