

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2144 of 2025

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Raj Gupta S/o Ram Vinod Sah R/o-Village-Near Bandh, Sheikhpura, P.S.-
Ahiyapur, District-Muzaffarpur, Bihar

... .. Petitioner

Versus

1. The State of Bihar through Secretary Excise and Prohibition Department
Gov. 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, Gopalganj Police Station, Gopalganj, Bihar.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Sumit Shekhar Pandey, Advocate
For the State : Mr. Sita Ram Yadav, G.P.-16

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

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

2 19-03-2025 In the instant petition, petitioner has prayed
for the following reliefs:-

*“(i) For issuance of a writ in any other
appropriate order/orders, direction/directions
directing the respondents to release the vehicle of
the petitioner which is Verna car having
Registration No. BR01HL3566, Engine No.-
G4FLPV619549 and Chasis No.
MALGU41DLPM054678 which has been seized by*



the State officials under the Mohammadpur P.S.

Case No. 277/2024 u/s 30(a) of the Excise Act;

And/or

ii) 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 Sinha, J)

GKS/-

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