

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2013 of 2025

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Bhim Kumar Singh @ Bhim Singh S/o- Late Chirkut Singh @ Rameshwar Singh, Resident of Village- Bakhari, P.S. Baikunthpur, Dist.- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Station House Officer, Kochaikote, Distt.- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sushil Kumar, Advocate.

For the Respondent/s : Mr. Standing Counsel-8.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA

ORAL JUDGMENT

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

Date : 06-03-2025

1. In the instant petition, petitioner has prayed for issuance of a direction/ order or an appropriate writ for directing the respondent authorities to release of the Hero Splendor Plus Motorcycle two wheeler vide Registration No. BR28AC-9098 of petitioner which has been seized from store house situated outside the house of petitioner which is an open place at Bakhari, P.S.-Baikunthpur, District Gopalganj in Baikunthpur



P.S. Case No.67/2024 allegation under Section 30(a) of Bihar Prohibition Excise Act, 2018. For recovery = Total 138.24 litre foreign liquor.

2. In support of aforementioned relief there is no demand before the competent authority in particularly under Rule 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 Writ 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)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.03.2025
Transmission Date	NA

