

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2070 of 2025

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Kundan Kumar S/o-Sovendra Prasad Yadav R/o Village-Jaitiya PS-Sonpur,
District-Chhapra, Saran.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secrerary, Bihar Prohibition and Excise Department, Bihar, Patna.
2. The District -Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Officer In Charge of Shripur Police Station, District-Gopalganj.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Adesh Raj
For the Respondent/s : Mr. Government Advocate (9)

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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 that this civil writ application is being filed for commanding and directing the respondents authorities to release the motorcycle of the petitioner bearing Reg No. BR-01HW8893 and he has every valid document for the same and having Chesis No. MD634BE87R2F21208, Engine No. AE8FR2020988, seized by Shripur Police Station, Gopalganj in connection with Shripur, P.S. Case No. 181 of 2024 dated 30.09.2024 registered for the offences punishable under section 30(a) of the Bihar Prohibition and



Excise Act 2016, in favour of the petitioner or his representative, in favour of the petitioner or his representative.

(ii). For direction may be given for disposal of present case in light of the Hon'ble Patna High Court's decision in Sunaina Vs State of Bihar (CWJC No. 7920/2023).

(iii) Any other relief/s to which the petitioner is entitled in the facts and circumstances of the case.”

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 CWJC No. 2070 of 2025 stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Sinha, J)

Sanjeev/GKS-

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