

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1689 of 2025

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Upendra Paswan S/o Sipahi Paswan, Permanent Address- Vill and Post - Shivnar, Barahpur, P.S. - Mokama, Patna, Bihar - 803302 Also at C/o- SH. Devi Charan H.No. 93/94 Gali No. - 01 Near Dr. Lal Clinic Mandoli Delhi-110093 Presently At- Hd- 29, BN, AL Farook Colony Rawalpura, Opp. of Star Hospital/Sri Nagar, J and K, India.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Department of Excise and Prohibition, Government of Bihar, Patna.
2. The District Magistrate Cum Collector, Saran Chapra.
3. The Additional District Collector, Saran, Chapra.
4. The Senior Superintendent of Police, Saran, Chapra.
5. The S.H.O/officer in charge Police Station Garkha Saran, Chapra.
6. The R.T.O. Officer Loni Road- 1 North East Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sailesh Kumar, Advocate
For the State : Mr. Saroj Kumar Sharma, AC to AAG 3

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

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

2 07-03-2025 In the instant writ petition, petitioner has prayed for

the following relief :

*“That this is an application for the
release of vehicle four wheeler car Maruti
Dzire LXI bearing Registration No-
DL5CQ1780 Engine No.-K12MN2238043
and chassis No-MA3CZF63SJG391929 is
owner of the petitioner, which has been seized
by Police in Connection with Garkha P.S.
Case No. 750/2023 dated 21/12/2023*



registered under 30(a)/41(1) of Bihar Prohibition and Excise Act, 2016. And to Pass such other order or orders as your lordships may be deem fit and proper under the facts and Circumstances of the Case.”

2. In support of the aforementioned relief, there is no demand before the competent authority, in particularly, under Rule 12 A of the Bihar Prohibition and Excise Rules, 2021 read with amended sub-Rule 2 of Rule 12 A in the year 2022 and 2023.

3. In the absence of demand before the competent authority, the instant writ petition filed for direction under Article 226 for a writ of mandamus is not maintainable or it is premature. Accordingly, the instant writ petition stands disposed of as premature.

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. If the confiscation proceedings of the subject



matter of vehicle has attained finality, in that event, petitioner is
at liberty to prefer an appeal before the appropriate authority.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

GAURAV S./-

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