

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2718 of 2025

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Alok Pandey, S/o Umesh Pandey R/o- Laxmipur Yujurg, Tamkuhiraj, P.S.+
Dist.- Kushinagar, Uttar Pradesh.

... .. Petitioner

Versus

1. The State of Bihar through Secretary Excise and Prohibition Department Govt. 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/s : Mr. Sumit Shekhar Pandey, Advocate
For the Respondent/s : Mr. Venktesh Kirti, AC to G.P-2

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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 : 20-03-2025

In the instant petition, petitioner has prayed for the following reliefs:-

“(i) For issuance of a writ in the nature of mandamus or any other appropriate order/orders, direction/directions directing the respondents to release the vehicle of the petitioner, a black Hero Xtreme motorcycle having Registration No. UP57BN4659, Engine No. KC01ABNHK01165,



and Chassis No. MBLKCU020NHK00703, which was seized by the State officials under Gopalganj P.S. Excise Case No. 828 of 2024 dated 03.11.2024 under section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018; 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)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.03.2025
Transmission Date	NA

