

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2444 of 2025

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Ali Ashraf Siddiqui, Son fo Late Badrul Hoda Siddiqui, M.L.A. 158 Nath Nagar, Bhagalpur, Resident of Village- Jamgaon, P.O.- Balua Chak, P.S.- Jagdishpur, District- Bhagalpur, presently resided at Ismail Cottage Haroon Nagar, Phase-II, P.S.- Phulwari Sharif, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. The District Magistrate, Siwan.
3. The Superintendent of Police, Siwan.
4. The S.H.O. of Excise, P.S.- Siwan.
5. The District Magistrate, Patna.
6. The Superintendent of Police, Patna.
7. The S.H.O. of Phulwari Sharif Police Station, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Nurul Hoda, Advocate
For the Respondent/s : Mr. Kumar Alok, Standing Counsel (7)

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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 : 24-02-2025

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

“(i) For directing the respondent authorities to release the vehicle, Scorpio bearing BR01PL-8153 Chasis No. MA1TA2XM2M2A11990, Engine No. XMM4A10959 in favour of the petitioner as the petitioner is an actual/ bonafide owner of aforesaid vehicle.

(ii) For directing the respondents authorities to hand over the vehicle of the



petitioner after furnishing suitable, sureties as per direction of this Hon'ble Court.

(iii) For any other relief/reliefs as your lordships may deem fit and proper on the facts and circumstance of this 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 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)

khushbu/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	25.02.2025
Transmission Date	N/A

