

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2607 of 2025

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Rajesh Kumar, S/o Sitaram Yadav, R/o- Kandhgopi Tola Kukurbhuka, P.O.-
Badheya, P.S.- Mirganj, Dist.- Gopalganj.

... .. 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, Excise Police Station, Gopalganj, Bihar.

... .. Respondents.

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Appearance :

For the Petitioner	:	Mr. Kumar Harshvardhan, Advocate. Mr. Sudhanshu Prakash, Advocate.
For the State	:	Mr. Santosh Chandra Bhaskar, AC to GP-11.

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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 writ petition, petitioner has prayed for
the following relief(s):

“i. For issuance of a writ of Mandamus or
any other appropriate order/orders, direction/
directions directing the respondents to release the
vehicle of the petitioner which is a Motorcycle
having Registration No. BR-29-AD-4783, Engine
No.-JA06ERHGD04690 and Chassis No.
MBLJAS052HGD01691 which has been seized by
the State officials under the Gopalganj Excise P.S.



Case No. 12/2025 u/s 30(a), 32 of the Bihar Prohibition and Excise (amendment) Act, 2018;

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).

And/or

iii. For any other order/orders, relief/reliefs for which the petitioner may be entitled in the eyes of law.”

2. In support of the 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 instant writ petition for writ of mandamus is not maintainable or it is pre-mature. Accordingly, the instant writ petition stands disposed of as pre-mature.

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. With the above observation, the instant writ petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Sinha, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.03.2025.
Transmission Date	NA

