

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3097 of 2025**

=====

Amod Kumar Son of Late Singeshwar Ray @ Late Singeshwar Roy, Resident  
of Village- Arniya, P.S.- Jandaha, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Bhagalpur.
2. The Superintendent of Police, Bhagalpur.
3. The Inspector of Police-cum-SHO, Jagdishpur, Bhagalpur.

... .. Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr.Kamlesh Kumar Pathak, Advocate  
For the Respondent/s : Mr.Government Advocate (05)

=====

**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**and**  
**HONOURABLE MR. JUSTICE ALOK KUMAR SINHA**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)**

**Date : 21-03-2025**

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

*“That this petition is being filed for issuance of appropriate writ/writs, order/orders, direction/directions especially in the nature of 'MANDAMUS' for commanding the opposite parties to release the white colour Mahindra Scorpio vehicle bearing Regd. No.-BR31PA 0051, Chesis no.- MA1TA2WR2J2A10828 Engine No.-WRH4L15340 of the petitioner which has been seized and being subjected to the confiscation proceeding in connection with Jagdishpur P.S. case No. 234/2024 registered for the alleged offence punishable under section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.”*

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)**

ranjan/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 24.03.2025 |
| Transmission Date | NA         |

