

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3896 of 2025

=====

Amlesh Kumar S/o Dinesh Singh, R/o Village- Kayampur, P.S.- Khusrupur,
District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Excise Department, Govt. of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Superintendent of Police, Patna.
4. The S.H.O., Police Station Khusrupur, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Premchandra Yadav
For the Respondent/s : Mr.Government Pleader (10)

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 21-04-2025

Heard learned counsels for the parties.

2. In the instant writ petition, petitioner has

prayed for the following relief(s):-

“(i). For grant of an appropriate writ for a direction to the respondents to release the Motorcycle bearing registration No. BR01HF-2193, Chasis No. MD2B68BX6PPB24949 and Engine No. DHXPPB34811 to the petitioner which has been illegally seized by the Police in



*connection with Khusrupur P.S. Case No.
7/2025 u/s 30(a) of Bihar Excise
Prohibition Act pending in the court of
Special Judge Excise, Patna City”*

3. In support of the aforementioned relief, there is no demand before the competent authority, in particular, 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.

4. 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.

5. 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.

6. 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.

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

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

Nirajkrs/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24-04-2025
Transmission Date	NA

