

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2559 of 2025

Prabhawati Devi W/o- Dinesh Giri, R/o- Bodhachhapar, P.S- Kuchaikote,
District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar Through Secretary Department of Excise, Bihar Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The S.H.O. Gopalpur P.S., District Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Deepankar Raj, Advocate
For the Respondent/s : Mr.Ramadhar Singh GP-25

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

Date : 27-03-2025

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

“i. For directing and commanding the
respondent authorities to release the Vehicle namely
Hero Splendor Motorcycle bearing Registration No.-
BR28AD4469, Engine No.-HA11E7PHL16787 and
Chassis No.-MBLHA W228PHL04156 in favour of the
petitioner which has been seized in connection with
Gopalpur P.S. Case No.252 of 2024 registered on



07.10.2024 under Section 30(a) of Bihar Prohibition and Excise Act Amendment Act-2022.

ii. For directing and commanding the respondent authorities to release the Vehicle namely Hero Splendor Motorcycle in the favour of the petitioner on the ground that the petitioner is the owner of the said motorcycle and same is lying under open sky in the police station as nobody is there to take care of the motorcycle.

iii. For issuance of any other relief or relief(s) for which the petitioner is entitled for.”

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	28.03.2025
Transmission Date	NA

