

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4551 of 2025

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Ajay Kumar S/o- Sagar Prasad, R/o Village- Malahi Tola, P.S- Bariya,
District- West Champaran.

... .. Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Bihar Prohibition and Excise Department, Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Officer in Charge of Kuchaikot Police Station, District- Gopalganj.

... .. Respondents.

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Appearance :

For the Petitioner : Mr. Adesh Raj, Advocate.
For the State : Mr. Madanjeet Kumar, GP-20.

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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 : 23-04-2025

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

“I. For that this civil writ application is being filed for commanding and directing the respondents authorities to release the Creta Car of the petitioner bearing Reg. no. BR-01CN-4499 and he has every valid document for the same and having Chesis no. MALC381CMGM171677, Engine no.- G4FGGW539230, seized by Kuchaikot Police Station, Gopalganj in connection with Kuchaikot, P.S Case No.298 of 2024 dated 10.07.2024 registered for the offences punishable U/S 317(5) of BNS, 2023 & 47, 52 of the Bihar Prohibition and Excise Act 2022,



in favour of the petitioner or his representative, in favour of the petitioner or his representative.

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).

III. Any other relief/s to which the Petitioner is entitled in the facts and circumstances of the case.”

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)

(S. B. Pd. Singh, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.04.2025.
Transmission Date	NA

