

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3024 of 2025

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Aman Kumar Agrawal, Son of Mahesh Kumar Agrawal, Resident of- B- 368,
Noida, Sector- 92, Noida, Gautam Budha Nagar, P.S.- Phase- 2, Noida, Dis-
trict- Uttar Pradesh- 201304.

... .. 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, Muzaffarpur, Bihar.
4. The Superintendent of Police, Muzaffarpur, Bihar.
5. The Superintendent of Excise, Muzaffarpur, Bihar.
6. The SHO, Kanti Police Station, Muzaffarpur, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Harshvardhan, Advocate
For the Respondent/s : Mr. Ajay Kumar, AC to AAG-4

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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 petition, petitioner has prayed for the
following reliefs:-

*“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 Red
coloured SCORPIO-N Car having Registration No.
UP16DV6875, Engine No.-YDP4E78675 and*



Chassis No. MAITJ4YD6P6F92232 which has been seized by the State officials under the Kanti P.S. Case No. 524/2024 U/S 317(4),317(5) and 324(4) of BNS and 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018 (hereinafter referred as the Excise Act) 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 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 present writ petition for writ of mandamus is not



maintainable or it is pre-mature. Accordingly, the present petition stands disposed of as pre-mature.

4. Disposal of the present 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. If the confiscation of the vehicle has attained finality, in that event, petitioner is at liberty to prefer an appeal before the appropriate authority.

6. With the above observation, the present petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Sinha, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.03.2025
Transmission Date	N.A

