

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3490 of 2025

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Sunil Kumar Singh @ Sunil Kumar @ Sunil Singh S/o- Late Persan Singh,
R/o Village- Salehpur, P.S- Vishambharpur, In the District of Gopalganj,
Bihar.

... .. Petitioner/s

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 Vishambharpur Police Station, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Adesh Raj, Advocate.
For the Respondent/s : Mr. K.K. Singh, AC to GP-22.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 06-03-2025

1. In the instant petition, petitioner has prayed for
the following reliefs:-

“(i) For that this civil writ application is being filed for commanding and directing the respondents authorities to release the Motorcycle of the petitioner bearing Reg. No. BR-28AD-1024 and he has every valid document for the same and having Chassis No. MBLJAW400PGC13081, Engine No. JA07AMP GC03483, seized by Vishambharpur Police Station, Gopalganj in connection with Vishambharpur P.S. Case No.72 of 2024 dated 11.06.2024 registered for the offences punishable U/s 30(a) of the Bihar Prohibition and Excise Act in favour 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 of 2023).*

(iii) Any other relief/s to which the petitioner is entitled in the facts and circumstances of the case."

2. In support of aforementioned relief there is no demand before the competent authority in particularly under Rule 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 Writ 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)

(Sunil Dutta Mishra, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.03.2025
Transmission Date	NA

