

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2982 of 2025

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Lakshmi Kumari, W/o Prakash Kumar Pandey, R/o Ward No.-04, Hajpurwa,
P.O- Kusaiya, P.S- Warish Nagar, District- Samastipur, Bihar.

... .. 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, Supaul, Bihar.
4. The Superintendent of Police, Supaul, Bihar.
5. The Superintendent of Excise, Supaul, Bihar.
6. The SHO, Lalitgram Police Station, Supaul, Bihar.

... .. Respondents.

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Appearance :

For the Petitioner	:	Mr. Sumit Shekhar Pandey, Advocate.
For the State	:	Mr. K.N.Jha, AC to GP-11.

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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 : 10-04-2025

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

- “i. For issuance of a writ in the any other
appropriate order/orders, direction/
directions directing the respondents to
release the vehicle of the petitioner which
is Mahindra Scorpio vehicle having
Registration No.BR06PC3874, Engine
No.TDE4J77068 and Chassis
No.MA1TA2TDKE2J18445 which has



been seized by the State officials under the Lalitgram P.S. Case No.43/2024 u/s 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018 dated 09.10.2024;

And/or

- ii. For any other order/orders, relief/reliefs for which the petitioner may be entitled in the eyes of law.”

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)

manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.04.2025
Transmission Date	NA

