

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4222 of 2025

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Laxman Sharma S/of Shivnath Sharma R/o Vill.- Nawada, Post- Nawada,
P.S.- Barauli, District- Gopalganj.

... .. Petitioner.

Versus

1. The State of Bihar through District Magistrate, Gopalganj.
2. District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Officer in Charge, Manjagarh Police Station, Gopalganj.

... .. Respondents.

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Appearance :

For the Petitioner	:	Mr. Gautam Kumar Yadav, Advocate.
For the State	:	Mr. Government Pleader (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):

“A. To direct the respondent to release
the vehicle i.e. Scorpio car bearing Regd.
No.BR28E6545, Engine no.GMC4A25148 and
Chassis no.MA1XTA2GMKC2A17602 in favor of
the petitioner, which has been seized in
Manjagarh P.S. Case No.267 of 2024 for the
offence under section 126(2), 115(2), 262, 121 (1),
132, 352, 3(5) of BNS & 30(a), of Bihar
prohibition and Amendment Excise act 2016/2018.

B. To direct the respondent to release
the vehicle i.e. Scorpio car bearing Regd.



No.BR28E6545, Engine no.GMC4A25148 and Chassis no.MA1XTA2GMKC2A17602 in favor of the petitioner during pendency of the Criminal case pending in the court of court below.

C. Any other relief/reliefs for which the petitioner is entitled under 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

