

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6140 of 2025

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Gautam Singh, Male, Aged about – 65 years, Son of Late Satandev Singh,
Resident of Village- Bhore, P.S.- Bhore, Distt- Gopalganj, State- Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Excise, Prohibition and Registration Department, Government of Bihar, Patna.
2. The Deputy Secretary Excise, Prohibition and Registration Department, Government of Bihar, Patna.
3. The Collector Gopalganj, District- Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. The Sub Inspector Vijaipur, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Priya Raj, Advocate
For the State	:	Mr. Ravi Kumar, AC to GP 13
	:	Mr. Akshay Lal Prasad, AC to GP 13

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 20-08-2025

Re : I.A. No. 1 of 2025

Heard I.A. No. 1 of 2025 filed for condonation of delay
of about 7 days in re-filing the present writ petition.

2. For the reasons stated in the application read with the
affidavit, delay of about 7 days in re-filing the present writ petition
stands condoned. I.A. No. 1 of 2025 is allowed.

3. Heard learned counsels for the parties.



4. In the instant writ petition, petitioner has prayed for the following relief :-

“That this is an application for issuance of writ(s), order(s), direction(s) upon the Respondents to release the vehicle bearing Registration No.- BR29AA9609, GLAMOUR motorcycle having Chesis No. MBLJA06AMGGM14767 Engine No. JA06EJGGM18869 which has been seized in connection with Vijaipur P.S.- Case No. 19 of 2025 dated 28.01.2025, under section 30 (a) Bihar prohibition and Excise Act- 2018 in favour of the petitioner as he is the real and registered owner of the seized vehicle.”

In support of the aforementioned relief, there is no demand before the competent authority, in particularly, under Rule 12 A of the Bihar Prohibition and Excise Rules, 2021 read with amended sub-Rule 2 of Rule 12 A in the year 2022 and 2023. In the absence of demand before the competent authority, the instant writ petition filed for direction under Article 226 for a writ of mandamus is not maintainable or it is premature. Accordingly, the instant writ petition stands disposed of as premature.

5. Disposal of the present writ petition would not be a hurdle for the petitioner to invoke remedy under Rule 12 A 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.

6. If the confiscation proceedings of the subject matter of vehicle has attained finality, in that event, petitioner is at liberty to prefer an appeal before the appropriate authority.

(P. B. Bajanthri, J)

(Shailendra Singh, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	22.08.2025
Transmission Date	

