

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4711 of 2025

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Shital W/o- Chotelal R/o village- Varawa Jangal, Kundwa Urf Dilipnagar,
P.S.- Kaseya, District- Kushinagar, Uttar Pradesh.

... .. Petitioner/s

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, Gopalganj, Bihar.
4. The Superintendent of Police, Gopalganj, Bihar.
5. The Superintendent of Excise, Gopalganj, Bihar.
6. The S.H.O., Gopalganj Police Station, Gopalganj, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Md. Danish Quamar, Advocate
Mr. Sumit Shekhar Pandey, Advocate
For the Respondent/s : Additional Advocate General (4)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

2 24-04-2025 In the instant writ petition, petitioner has prayed for

the following reliefs :

*“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
Bajaj Pulsar motorcycle having Registration
No. UP 57BP2846, Engine No. PDXCPC84024
and chassis no. MD2B54DX3PCC18674 which
has been seized by the State officials under*



Kuchaikote P.S. Case No. 488/2024 u/s 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018 dated 14.11.2024; 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 reliefs, there is no demand before the competent authority, in particular, 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 of the Constitution for issuance of a writ of mandamus is not maintainable or it is premature. Accordingly, the instant writ petition stands disposed of as premature.

3. Disposal of the present 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.

4. 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)

(S. B. Pd. Singh, J)

GAURAV S./-

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