

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6800 of 2025

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Nashim Shekh @ Nashim Khan, Aged about 55 years, S/o Lt. Siddik Sheikh,
Residence of Village Sirisiya Bazar, PS-Kochaikote, Dist.-Gopalganj, At
present N.H. 15, Near Masjid Marangao Borgang, Sonitpur, Borganj Assam
784167.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Station House Officer, Barauli, Distt.-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sushil Kumar
For the Respondent/s : Government Pleader (27)

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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 : 27-08-2025

Re : I.A. No. 1 of 2025

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

2. For the reasons stated in the application read with the
affidavit, delay of one day 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 writ petition is being filed for issuance of a direction / order or an appropriate writ for directing the respondent authorities to release of the whit colour Mahindra Boloro vide Registration no. AS327486 of petitioner which has been seized at Dewapur , Ps – Barauli , Distt. Gopalganj in Barauli PS Case no. - 244/2024 allegation under section 30 (a) of Bihar prohibition Excise Act 2018, for recovery = Total 48 litre bonty babli country made liquor.”

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	01.09.2025
Transmission Date	

