

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5457 of 2025

Sanjay Kumar Giri, S/o Vinod Giri, R/o village - Barahan Gopal, P.S. - Siwan
Muffasil, Dist.- Siwan.

... .. 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, Siwan, Bihar.
4. The Superintendent of Police, Siwan, Bihar.
5. The Superintendent of Excise, Siwan, Bihar.
6. The SHO, Mairwan, Siwan, Bihar.

... .. Respondent

Appearance :

For the Petitioner/s	:	Mr. Kumar Harshvardhan, Advocate Mr. Sudhanshu Prakash, Advocate
For the Respondent/s	:	Mr. Amit Bhushan, AC to GP-17

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 : 06-05-2025

In the instant petition, petitioner has prayed for the
following reliefs:-

*“(i) For issuance of a writ of Mandamus or
any other appropriate order/orders,
direction/directions directing the respondents to
release the vehicle of the petitioner which is Amaze
Car having Registration No. BR-29-AZ-9462,
Engine No. L12B47844295 and Chassis No.*



MAKDF559AR4409503 which has been seized by the State officials under the Mairwan P.S. Case No. 62/2025 u/s 30(a) of the Bihar Prohibition and Excise (amendment) Act, 2018;

*(ii) For direction may be given for disposal of present case in light of the Hon'ble Patna High Court's decision in **Sunaina Vs State of Bihar** (C.W.J.C. No. 7920/2023).*

And/or

(iii) For any other order/orders, relief/reliefs for which the petitioner may be entitled in the eyes of law."

2. In support of 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 present writ petition for writ of mandamus is not maintainable or it is pre-mature. Accordingly, the present petition stands disposed of as pre-mature.

4. Disposal of the present 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. If the confiscation of the vehicle has attained finality, in that event, petitioner is at liberty to prefer an appeal before the appropriate authority.

6. With the above observation, the present petition stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.05.2025
Transmission Date	NA

