

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6334 of 2025

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Amlesh Panday Son of Dinanath Panday Resident of Village-Mairwa Karan,
P.S.- Kuchaikot, Distt- Gopalganj, State-Bihar, Patna.

... .. 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 Thawe, District-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Priya Raj
For the Respondent/s : Mr. Divit Vinod, Ac to Sc 226

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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 07-05-2025 Heard learned counsels for the parties.

2. In the instant writ petition, petitioner has prayed for
the following relief(s):-

*“That this is an application for
issuance of writ(s), order(s) direction(s)
upon the Respondents to release the
vehicle bearing Registration No-
BR28AA7855, HERO HF DELUXE
MOTORCYCLE, having Chassis No.
MBLHAW144N9D03891, Engine No.
HA11ESN9D03860 which has been seized
in connection with Thawe P.S. Case No.-
38 of 2025 dated 27.02.2025, under
section 30 (a) Bihar prohibition and
Excise Amendment Act- 2022 in favour of*



the petitioner as he is the real and registered owner of the seized vehicle.”

3. In support of the aforementioned relief, 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.

4. 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 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.

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.

7. With the above observation, instant writ petition



stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

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