

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6275 of 2025

=====

Ripu Kumari Daughter of Dhrup Sah Resident of Village - Hariharpur Kala,
Police Station- Jamo Bazar, District - Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
3. The Collector-cum- District Magistrate, Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. The S.H.O. Uchkagaon P.S., District- Gopalganj.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh
For the Respondent/s : Mr.Government Advocate (8)

=====

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):-

“(I). For a Direction upon the Respondents, particularly Respondent No. 3 to 5 Release the Splendor + Motor Cycle bearing Reg. No. BR28X-5007, Chassis No. MBLHAW1128LHK01587, Engine No. HA11EYLHK00903 in favour of the Petitioner which was seized in connection with Uchkagaon P.S. Case No. 391 of 2024 dated 16.11.2024 registered U/S 30 (a) of Bihar Prohibition and Excise Amendment Act 2022.

(II). For any other relief or



reliefs as the Petitioner may found entitled by this Hon'ble Court be given.”

3. 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.

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)

abhishekk/-

U			
---	--	--	--

