

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6002 of 2025

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Surendra Prasad @ Surendra Pd. Son of Rajdev Prasad Resident of Village -
Bhagwanpur, Post - Gheghwa, P.S. - Bhagwanpur, District - East Champaran,
Motihari.

... .. 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, Saran.
4. The Superintendent of Police, Saran.
5. The S.H.O. Excise P.S., District-Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Adarsh Ranjan, Advocate
For the Respondent/s : Mr.Gyan Prakash Ojha, GA-7

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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)

3 14-05-2025 In the instant petition, petitioner has prayed for the
following relief:-

“1. That the present Writ application has
been filed for issuance of an appropriate Writs,
Orders and Directions for the following Reliefs:-(1).
For a Direction upon the Respondents, particularly
Respondent No. 3 to 5 Release the Tata Tigor Car
bearing Reg. No. BR06DQ-5680, Chassis No.



MAT637060RKB18972, Engine No.
REVTRN19BVXK29848 in favour of the Petitioner
which was seized in connection with Excise P.S. Case
No. 103 of 2024 dated 26.04.2024 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.”

2. In support of the aforementioned relief, there is no
demand before the competent authority particularly under Rule
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 instant writ petition for issuance of writ of
mandamus is not maintainable or it is pre-mature. Accordingly,
the instant writ petition stands disposed of as pre-mature.

4. 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.



5. With the above observation, the instant writ petition stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

ranjan/saurav

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