

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5663 of 2025

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Raja Ram @ Mr. Raja @ Raja Mauraya S/o-Late Vishwanath @ Vishvnath
R/o Village-Parewa, Naubatpur Sakaldiha P.S.-Saiyadraja, Dist.-Chandauli,
State-Uttar Pradesh, PIN-232110.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Prohibition Excise and Registration Department Govt. of Bihar, Patna.
2. The Collector-Cum-District Magistrate, Kaimur (Bhabua).
3. The Superintendent of Excise, Kaimur (Bhabua).
4. The Superintendent of Police, Kaimur (Bhabua).
5. The SHO, Excise Police Station, Kaimur (Bhabua).
6. The S.H.O., Durgawati P.S.-Durgawati, Kaimur (Bhabua).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Vinod Kumar Seth, Advocate
For the State	:	Mr. Amit Bhushan Ac to GP-17

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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 Learned counsel for the State submitted on instruction
that confiscation proceedings have not yet attained finality.

2. In the instant writ petition, the petitioner has prayed



for the following relief(s):

- “1.To direct the respondent to release the vehicle (Tractor) bearing Registration no. UP-67-M-5057, Chasis No. 03143515542 and Engine no. P335-04820 which has been seized in connection with Durgawati P.S Case No. 104/2024 under section 30(a) of Bihar Prohibition and Excise Amendment Act 2018;
- ii. For any other relief/reliefs for which the petitioner may be found entitle in the eye of law may also be granted in favour of the petitioner.”

3. In support of the 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.

4. In the absence of demand before the competent authority, the instant writ petition for writ of mandamus is not maintainable or it is pre-mature. Accordingly, the instant writ petition stands disposed of as pre-mature.

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

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

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