

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7019 of 2025

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Raju Chaudhari Son of Fagu Chaudhari Resident of Village-Koirigawa Jogi Tola, P.S. Barharia District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise and Prohibition, Bihar, Patna.
2. The Secretary, Bihar Prohibition, and Excise, Government of Bihar, Patna.
3. THE Collector, Gopalganj.
4. The Superintendent of Police, Excise, Gopalganj.
5. The Deputy Superintendent of Police, Gopalganj.
6. The District Excise Officer, Gopalganj.
7. The Officer-in-Charge, Manjhagarh Police Station, District-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Brajesh Kumar Singh
For the Respondent/s : Mr.Standing Counsel (18)

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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 : 08-05-2025

Heard learned counsels for the parties.

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

“(i). For issuance of an appropriate writ in the nature of mandamus commanding and directing the respondent authorities to release the vehicle bearing Registration No. BR29AP3980 which has



been seized in connection with Manjhagarh P.S. Case No. 19/2025 registered under section 30(a) of the Bihar Prohibition & Excise Act in favour of the petitioner who is owner of the vehicle.

(ii) And for any other reliefs for which this Hon'ble Court may deem fit and proper”

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)

Nirajkrs/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.05.2025
Transmission Date	NA

