

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7248 of 2025

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Vikash Kumar Son of Chhotelal Ram, Resident of Village- Semariya, P.S.-
Nautan, Distt- Siwan, State-Bihar.

... .. 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 Utpad Thana Gopalganj, District-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Priya Raj, Advocate Mr. Sandeep Kumar Mandal, Advocate
For the Respondent/s	:	Standing Counsel 28

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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 15-05-2025 In the instant writ petition, petitioner has prayed for
the following relief :-

*“1. That this is an application for
issuance of writ(s), order(s), direction(s) upon the
Respondents to release the vehicle SCORPIO S 11
bearing Registration No.- BR29PA8093. having
Chassis No. - MA1TA2WR2K2H23817, Engine No.
WRK4H14897 which has been seized in connection
with Utpad Thana Gopalganj P.S. Case No.-160 of
2025 dated 10.03.2025, under section 30 (a), 32*



Bihar prohibition and Excise (Amend) Act, 2018 in favour of the petitioner as he is the real and registered owner of the seized vehicle.”

2. 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. In the absence of demand before the competent authority, the instant writ petition filed for issuance of a writ of mandamus under Article 226, is not maintainable or it is premature. Accordingly, the instant writ petition stands disposed of as premature.

3. Disposal of the present writ petition would not be a hurdle for the petitioner to invoke remedy under Rule 12A of the 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.

4. 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.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

GAURAV S./-

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