

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7130 of 2025

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Bulet Kumar S/o- Chhote Lal Singh, R/o Village- Bagheji, P.S- Barauli,
District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Bihar Prohibition and Excise Department, Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Officer in charge of Excise Police Station, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Adesh Raj, Adv.
For the Respondent/s : Mr. Divit Vinod (AC to SC 26)

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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 commanding and directing the respondents authorities to release the Motor Cycle of the petitioner bearing Reg. no. BR-01CN-4499 and he has every valid document for the same and having Chesis no. ME4JC943LRD022151, Engine no.-JC94ED2107089, seized by Excise Police Station, Gopalganj in connection with Gopalganj Excise, P.S Case No. 153 of 2025 dated 08.03.2025



registered for the offences punishable U/S 30(a) & 32 of the Bihar Prohibition and Excise Act 2022, in favour of the petitioner or his representative, in favour of the petitioner or his representative.

(ii) For direction may be given for disposal of present case in light of the Hon'ble Patna High Court's decision in Sunaina Vs. State of Bihar (CWJC No. 7920 of 2023).

(iii) Any other relief/s to which the petitioner is entitled in the facts and circumstances of the case.”

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)

Nirajkrs/-

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

