

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7581 of 2025

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Tabssum Tara W/o - Ajim Hussain, R/o- vill.- Jagarnatha, P.S- Manjhagadh,
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 Uchkagaon Police Station, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Saurabh Kumar, Advocate
For the Respondent/s : Mr.Standing Counsel (06)

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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 : 15-05-2025

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

“a. For issuance of appropriate writ in the nature of mandamus & certiorari for commanding and directing the respondent authorities to release the Bullet Motorcycle of the petitioner bearing Reg. no. BR28Z1534 and having Chesis no ME3U3S5F2MF003368, Engine no. U3S5F1MF106452 seized by Uchkagaon police, Gopalganj in connection with Uchkagaon P.S case no. 34/2025 registered u/s 30(a) of Bihar Excise Amendment Act 2022, in favor of the petitioner or his representative.

b. For the issuance of any other relief / reliefs to which the petitioner may found entitled to in the facts and circumstances of the case in favour of the petitioner.”

2. 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.

3. 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.

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/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.05.2025
Transmission Date	NA

