

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7586 of 2025

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Nitesh Son of Mahender Singh Resident of Village- Bhiwani, P.S.-
Anajmandi, District- Bhiwani, State- Haryana, Pin Code- 127021.

... .. Petitioner/s

Versus

1. The Principal Secretary, Bihar Prohibition, Excise and Registration
Department Govt. of Bihar, Patna.
2. The Commissioner, Excise Department, New Secretariat, Bihar, Patna.
3. The Divisional Commissioner, Saran.
4. The District Magistrate, Siwan.
5. The District Transport Officer, Siwan.
6. The S.H.O., Gutnni Police Station, District- Siwan.
7. The Excise Superintendent, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Aditya Raj Mr. Kuldeep Kumar Mr. Santosh Kumar
For The Respondent/S	:	Standing Counsel (18)

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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 16-05-2025 In the instant writ petition, petitioner has prayed for
the following relief :-

*“a. For issuance of an appropriate writ
directing the respondents for release of the
SCORPIO CLASSIC S-11 MH 2 W 140 Bearing
Registration No. HR 16 Y3552 in favour of the
petitioner which has been seized in connection with
Gutuni P.S. case No. 237/2023 lodged for the
offence punishable under Section 414 of Indian*



Penal Code and sections 30 (a) of Bihar Prohibition and Excise Act 2016 Amendment Act -2022 on 29.02.2023.

b. For any other relief(s) to which the petitioner is entitled in the facts and circumstances of the case.”

2. In support of the aforementioned reliefs, 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. 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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