

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8052 of 2025

Sanjay @ Sanjay Sahani son of Dhanai Sahani, resident of Semrahi, Police Station-Jadopur, District-Gopalganj.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Excise Department.
2. The Commissioner Saran Division, Gopalganj (Bihar).
3. The Collector cum District Magistrate, Gopalganj.
4. The Officer in Charge, Jadopur, District Gopalganj.
5. District Transport Officer, Excise.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Baijnath Sah, Advocate

For the Respondent/s : Mr.Md. Zeeshan Kalim, AC to SC-20

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 : 09-07-2025

In the instant petition, petitioner has prayed for the following reliefs:-

“(1) That this Writ application is being file for giving direction to the respondent No.3 (DM) collector Gopalganj to the release Honda shine Motorcycle bearing registration No. BR28AE5385, Chassis No. ME4HC152ERG299311, Engine No. HC15EG1299521, which was seized by respondent No.4 in Jadopur police station case no.



(5139015240198) 198 of 2024 Gopalganj, alleged offence under section 30(a) of Bihar prohibition and excise Amendment Act 2022.”

2. In support of 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 present writ petition for writ of mandamus is not maintainable or it is pre-mature. Accordingly, the present petition stands disposed of as pre-mature.

4. Disposal of the present 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. If the confiscation of the vehicle has attained finality, in that event, petitioner is at liberty to prefer an appeal before the appropriate authority.



6. With the above observation, the present petition stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.07.2025
Transmission Date	NA

