

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7919 of 2025

Nidhi @ Nidhi Pandey, W/o- Rahul Pandey, D/o- Daya Shankar Resident of Village- Rampur Raja, P.O. and P.S.- Madhopur Buzurg, District- Kushinagar, U.P.- 274406, Current resident of Village- Baisiya, P.O. and P.S.- Kateya, District- Gopalganj, Bihar.

... .. Petitioner

Versus

1. The State of Bihar through the Additional Chief Secretary, Prohibition and Excise Registration Department, Govt. of Bihar, Patna.
2. The District Magistrate cum Collector, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Sub-Divisional Police Officer, Gopalganj.
5. The In-Charge of Bhore P.S., Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Akshay Ashish, Advocate
For the Respondent/s : Mr. Standing Counsel (28)

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:-

“(i) For issuance of an appropriate writ/writs order/orders direction/directions in the nature of mandamus for commanding the respondent authorities to release the Splendor Plus (DRS) two-wheeler Vehicle bearing Engine No. HA11E8RHK70825, Chassis No.



MBLHAW230RHKB8007 of the petitioner seized in Excise P.S. Gopalganj Case No.132 of 2025 dated 02.03.2025.

(ii) For issuance of an appropriate writ/writs order/orders direction/directions in the nature of mandamus commanding the Respondents to immediately release the Splendor Plus (DRS) two-wheeler Vehicle lying under open sky in the police station as nobody is there to take care of the motorcycle of the petitioner.

(iii) For any other relief/reliefs for which petitioner is entitled in the eyes of law and as this Hon'ble Court may deem fit and proper as the fact and circumstances of this case."

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)

manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.07.2025
Transmission Date	N.A

