

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7921 of 2025

=====

Puspa Devi Wife of Guddu Prasad Resident of Village- Neruari, P.O. and P.S.-
Shahpur, District- Deoria, U.P.- 274404.

... .. Petitioner/s

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 Excise P.S., Gopalganj.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Akshay Ashish, Advocate
For the Respondent/s : Mr.Addl. Advocate General (03)

=====

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 : 23-07-2025

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

“(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 Super Splendor XTEC DR two-wheeler
Vehicle bearing Engine No. JA07AMRGD10912,
Chassis No. MBLJAW403RGD08625 of petitioner
seized in Bhore P.S. case No. 228 of 2024 dated
10.09.2024.



(ii) For issuance of an appropriate writ/writs order/orders direction/directions in the nature of mandamus commanding the Respondents to immediately release the Super Splendor XTEC DR 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 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	25.07.2025
Transmission Date	NA

