

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8412 of 2025

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Shambhu Ray Son of Late Yado Ray Resident of Village- Majhraiya, P.S.-
Ramgarhwa, Distt.- East Champaran, State- Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise, Prohibition and Registration Department, Government of Bihar, Patna.
2. The Deputy Secretary, Excise, Prohibition and Registration Department, Government of Bihar, Patna.
3. The Collector, Gopalganj, District- Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. The Sub Inspector Kuchaikot, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Priya Raj, Adv.
For the Respondent/s : Ms. Dimpal Kumari, AC to GP 11

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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 : 23-07-2025

Heard learned counsels for the parties.

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

*“(i). For issuance of writ(s),
order(s), direction(s) upon the
Respondents to release the vehicle bearing
Registration No. - BR22X1111, Scorpio S6
having Chesis No. MAITA2SJXG2A11372,
Engine No. - SJF4M19932 which has been*



*seized in connection with Kuchaijot P.S.
-Case No. 305 of 2024 dated 14.07.2024,
under section 30(a) Bihar Excise
prohibition amendment Act 2018 in favour
of the petitioner as he is the real and
registered owner of the seized vehicle.”*

3. In support of the aforementioned relief, there is no demand before the competent authority, in particular, 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.

4. In the absence of demand before the competent authority, the instant writ petition filed for direction under Article 226 for a writ of mandamus is not maintainable or it is premature. Accordingly, the instant writ petition stands disposed of as premature.

5. 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.

6. 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.

7. With the above observation, instant writ petition stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

Nirajkrs/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.07.2025
Transmission Date	NA

