

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7086 of 2025

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Jitendra Son of Vikram, Resident of Village- Pipraghat Mustkil, P.S.- Seorahi,
Distt- Kushinagar, State- Uttar Pradesh.

... .. 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 Kuchaikote, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Priya Raj
For the Respondent/s : Mr.Standing Counsel (06)

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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 : 08-05-2025

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 Honda
S.P. Motorcycle bearing Registration No-
UP57BJ2283, Chassis No.-
ME4JC83EKND042082, Engine No.*



JC83ED3140363 which has been seized in connection with Kuchaikote P.S. Case No.- 527 of 2024 dated 07.12.2024, under section 30 (a) Bihar prohibition and Excise 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	09.05.2025
Transmission Date	NA

