

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7199 of 2025

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Ravi Kumar Son of Ramesh Mishra Resident of Village - Ramnagar, P.S. - Runnisaidpur, District - Sitamarhi, At Present Resident of Mohalla - China Kothi, Vidyapati Marg, Patna- GPO, P.S. - Kotwali, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
3. The Collector-cum- District Magistrate, Muzaffarpur.
4. The Superintendent of Police, Muzaffarpur.
5. The S.H.O. Katra, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Adarsh Ranjan
For the Respondent/s : Mr.Government Pleader (17)

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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 a Direction upon the Respondents, particularly Respondent No. 3 to 5 Release the Yamaha FZ Motor Cycle bearing Reg. No. BR06BS-9037, Chassis No. ME1RG442BH0056002, Engine No. G3J3E0087621 in favour of the Petitioner



which was seized in connection with Katra Case No. 328 of 2023 dated 13.12.2023 registered U/Ss 272, 273, 414, 34 of the I.P.C. and Section 30 (a) of Bihar Prohibition and Excise Amendment Act 2022.

(ii). For any other relief or reliefs as the Petitioner may found entitled by this Hon'ble Court be given.”

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

