

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8331 of 2025

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Puna Yadav @ Punna Yadav S/o Adalat Yadav, R/o Village-Gambhirpur, P.S.-
Hathua, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner, Excise, Saran Division, Saran at Chapra.
3. The District Magistrate cum Collector, Gopalganj.
4. The Superintendent of Police, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh
For the Respondent/s : Mr.Government Pleader (4)

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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 : 26-06-2025

Heard learned counsels for the parties.

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

*“(i). For a direction to the
respondent No. 3 to release of e-rickshaw
bearing Registration No. BR28ER6688,
Chasis No. M38SEAP-B24G070411,
Engine No. SAERA000174902 in favour of
the petitioner in view of Sub Rule 2 of Rule
12A of the Bihar Prohibition and Excise*



Rule, 2021 who is owner of the said e-rickshaw which was seized in Hathua P.S. Case No. 12/2025 dated 9.1.2025 U/s 30(a), Bihar Prohibition and Excise Act.

(b) For a direction to the respondents not to put the aforesaid e-rickshaw on auction sale during pendency of this writ application.

(c) Any other relief or reliefs.”

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	30.06.2025
Transmission Date	NA

