

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8072 of 2025

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Kailash Singh son of Bandhu Singh, resident of village- Dariyapur-1, P.S. Haweli Kharagpur, District- Munger, owner of truck registration No. WB 11 C-9257

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna
2. The Excise Commissioner cum- Inspector General Registration, Excise and Prohibition Department, Government of Bihar, Patna.
3. The Collector cum District Magistrate, Bhagalpur, District- Bhagalpur.
4. The Superintendent of Police, Bhagalpur, District- Bhagalpur.
5. The Excise Superintendent, Bhagalpur, District- Bhagalpur.
6. The SHO-cum- Officer In charge Excise, Police Station- Sadar, Bhagalpur, District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Chandra, Advocate
Mr. Amit Kumar, Advocate
For the Respondent/s : Government Pleader (17)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

2 16-05-2025 In the instant writ petition, petitioner has prayed for
the following relief :-

“(i) For issuance of an appropriate writ / writs / order / orders / direction / directions including a writ in the nature of Mandamus commanding and directing the respondents to release the truck bearing Registration No. WB –11-C-9257, Chassis No. MAT448037F2P21549, Engine No. 51M63484706 in favour of petitioner



which has been seized in connection with Bhagalpur (Sadar) P.S. Case No. 932 / 2024 on 06.12.2024 registered under section 30 (a) of the Bihar Prohibition and Excise Act, 2016 relating to recovery of 330.480 liters of foreign liquor from the alleged truck.

(ii) To give any other appropriate relief / reliefs as your lordships may deem fit and proper for the end of justice.”

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

3. Disposal of the present writ petition would not be a hurdle for the petitioner to invoke remedy under Rule 12A of the 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.

4. 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.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

GAURAV S./-

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