

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9108 of 2025

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Vishal, Son of Virender, Resident of- 520 MCO Colony, Prem Nagar Samay
Pur, P.S. Badali, District- North West Delhi.

... .. Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Bhabua at Kaimur
3. The Superintendent of Police, Bhabua at Kaimur.
4. The District Transport Officer (D.T.O.), Bhabua at Kaimur
5. The Station House Officer, Bhabua Town Thana Kaimur at Bhabua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sarfraz Ahmad, Advocate
For the Respondent/s : Mrs. Shweta Anand, AC to G.P.13

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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 : 24-07-2025

In the instant petition, petitioner has prayed for the
following reliefs:-

*“(i) For direction to respondent authority to
release Atlas white colour car vehicle bearing
Reregistration no.- HR74B5222, Chasis No.-
MALB341CLRM251645. Seized in connection with
Bhabua Excise P.S. Case No. 792/24 Registered for
offence u/s 30(a)/32(i)/32(iii) Bihar Prohibition
and Excise Act.*

(ii) For any other reliefs for which the



petitioner is found entitle in the fact and circumstances of the case and/or the sake of Justice.”

2. In support of aforementioned relief there is no demand before the competent authority in particularly under Rule of 12A of the Bihar Prohibition and Excise Rules, 2021 read with amended Sub-Rule 2 of Rule 12A in the year 2022 and 2023.

3. In the absence of demand before the competent authority, the present writ petition for writ of mandamus is not maintainable or it is pre-mature. Accordingly, the present petition stands disposed of as pre-mature, reserving liberty to the Respondent to proceed with the confiscation proceedings and complete the same within a period of three months from the date of receipt of this order.

4. Disposal of the present 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.



5. If the confiscation of the vehicle has attained finality, in that event, petitioner is at liberty to prefer an appeal before the appropriate authority.

6. With the above observation, the present petition stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.07.2025
Transmission Date	NA

