

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8401 of 2025

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Sunita Devi W/o-Ranjeet Kumar R/o-Road no. 23H, Azad Nagar, North Rajiv Nagar, Digha, P.S.- Rajiv Nagar, District-Patna, Bihar-800011.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Superintendent of Police, Patna, District-Patna.
4. The Station House Officer, P.S.-Rajiv Nagar, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rounak Sinha

For the Respondent/s : Mr.Standing Counsel (11)

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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 : 09-07-2025

Heard learned counsels for the parties.

2. In the instant writ petition, petitioner has prayed

for the following relief(s):-

“(i). For issuance of an appropriate writ(s), order(s), directing the concerned Respondents to release the vehicle i.e. Motorcycle bearing Registration No. BR01FJ9780, Engine No. AE8GM2902639, Chassis no. MD634AE87M2G02714, in favour of the Petitioner, which has been seized in Rajiv Nagar P.S. Case No. 65/25 registered



under Section 30(a) of the Bihar Prohibition and Excise Act, 2022.

(ii) For issuance of an appropriate writ(s), order(s) or direction(s), directing the Respondents to compensate the petitioner for the financial loss, harassment, and inconvenience caused by the unlawful seizure and prolonged detention of the vehicle.

(iii) For issuance of any other appropriate writ(s), order(s), or direction(s), which this Hon'ble Court may deem just and proper in the interest of justice, equity, and fair play."

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	10.07.2025
Transmission Date	NA

