

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9617 of 2025

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Kanhaiya Kumar Yadav @ Kanhaiya Kumar Son of Vishwanath Yadav,
Resident of Village and P.O. Ratanpura, P.S. Gopalpur, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through The Principal Secretary, Department of Prohibition and Excise, Govt. of Bihar, New Secretariate, Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Officer-in-Charge, Gopalpur Police Station, Distt.- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhramveer

For the Respondent/s : Government Pleader 10
Mr. Anwar Karim, AC to GP 10

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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 : 01-08-2025

Heard learned counsels for the parties.

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

*“That this instant writ
application is being filed on behalf of the
petitioner for direction/directions upon the
Respondents to release the seized Hero*



Splendor+ motorcycle of the petitioner bearing Reg. No. BR28AA-5327, CHESIS NO. MBLHAW127NHE 74249, ENGINE NO. HA11EYNHE 68553, which is seized in connection with Gopalpur P.S. Case No. 18/25, dt. 20.1.2025, U/S 30 (a) of Bihar Prohibition & Excise Amendment Act, 2018.”

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.

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.

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

AFR/NAFR	
CAV DATE	
Uploading Date	06.08.2025
Transmission Date	

