

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10468 of 2025

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Raja Kumar S/o Anuj Prasad Resident of Village-Dakshin Muhallah Mirganj,
P.S.- Mirganj District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The District Magistrate-Cum-Collector, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Officer-in-Charge (S.H.O.), Hathua Police Station, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vyas Kumar Mishra
For the Respondent/s : Mr.Standing Counsel (07)

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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 31-07-2025 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/order/ direction commanding and directing the respondents to release the TVS Apache RTR 160 vehicle of the petitioner bearing Registration No.- BR-29AV-0531 which has been seized by the police in connection with Hathua P.S. Case No. 186 of 2024 for the offences under sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

(ii) For the further issuance of writ/order/ direction as your Lordship may deem fit and proper.”



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)

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