

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10179 of 2025

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Dharmendra Kumar S/o Shivshankar Sah, R/o Olipur, Ward No.- 2, Walipur
Sarhanchia, P.S.- Runi Saidpur, District- Sitamarhi, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary Excise and Prohibition Department
Govt. of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Gopalganj, Bihar.
4. The Superintendent of Police, Gopalganj, Bihar.
5. The Superintendent of Excise, Gopalganj, Bihar.
6. The SHO, Gopalganj Police Station, Gopalganj, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey
For the Respondent/s : Mr.Standing Counsel (23)

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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 a writ in the
any other appropriate order/orders,
direction/directions directing the
respondents to release the vehicle of the
petitioner which is a Mahindra Bolero
Maxx van having Registration No. BR
06GG 2629, Engine No.-LYR4C16093 and
Chassis No. MAIRD2LYKR6C23355
which has been seized by the State officials
under the FIR bearing Kateya P.S. Case
No. 331/2024 u/s 317(5)/3(5) of BNS and
30(a) of the Bihar Prohibition and Excise*



*Amendment Act, 2018 dated 30.03.2024;
And/or*

*(ii) For any other order/orders,
relief/reliefs for which the petitioner may
be entitled in the eyes of law.”*

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)

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