

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10710 of 2025

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Ashu Kashyap S/o Gopal Kashyap Mohalla-Bankhanda, P.S.- Bankhand,
District-Hapur, Uttar Pradesh

... .. 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, Saran.
4. The Superintendent of Police Saran.
5. The SHO Maker, District-Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Binay Kumar Singh, Advocate
For the Respondent/s : Mr.Addl. Advocate General (04)

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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 of
Mandamus or any other appropriate
order/orders, direction/directions directing
the respondents to release the vehicle of the
petitioner which is Gray Black Punch Car
having Registration no. UP37V-3385,
Engine no. REVTRN20GWXMC8429,
Chassis no. MAT634079PPGB8196, which
has been seized by the Police under the
Maker P.S case no. 40/2025 U/S 30A of the
Bihar Prohibition and Excise at 2016 of the
Bihar, but in the FIR lodge by the police
with fake number plate bearing BR11AE-*



7838.

(ii) For the direction may be given for disposal of present case in light of the Hon'ble Patna High Court's decision in Sunaina Vs State of Bihar (CWJC No.7920/2023).

(iii) 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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