

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9899 of 2025

Abhay Kumar Singh, son of Bishwanath Singh, resident of village Pahari Chak, P.O. Sonepur, P.S. Sonepur, District - Saran

... .. Petitioner/s

Versus

1. The State of Bihar through the Addl. Chief Secretary, Excise Department, Government of Bihar Patna
2. The District Magistrate cum Collector, Saran
3. The Superintendent of Police, Chapra, District - Saran
4. The Officer in Charge, Dighawara Police Station, District -Saran

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ganesh Prasad Singh, Advocate
For the Respondent/s : Mr. Anil Kumar Verma, AC to AAG-9

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 : 31-07-2025

In the instant writ petition, the petitioner has prayed for
the following relief(s):

“(A) To issue appropriate writ, order or direction in the nature of mandamus for release of Maruti Dzire Car bearing Registration Number BR31AV-4906 having Chassis No. M8HCZFB3SPB389091 and Engine No. K12NP7222920 in favor of the petitioner, which has been seized by Dighawara Police in connection with Dighawara P.S. Case No. 4 of 2025 registered on 12.01.2025 under section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022.

(B) This Hon'ble Court may adjudicate and hold that pre-trial detention/confiscation aforementioned Maruti Dzire Vehicle of the petitioner by the respondents under Bihar Prohibition and Excise (Amendment) Act 2022 is illegal in the eye of law and also the petitioner is



entitle for release of his Vehicle in his favor in terms of Rule 12(B) of Bihar Prohibition and Excise Rule since the petitioner is the owner of said vehicle and he is ready to pay the penalty as prescribed under the law but respondent authority has not send the requisition of seizer of the vehicle of the petitioner before the Collector till date, therefore, no proceeding has been initiated by the respondent Collector either under Rule 12 (B) or under section 56 of the Act

(C) To grant any other relief or reliefs under the facts and circumstance of the cases under which the petitioner is entitle.”

2. In support of the aforementioned relief, there is no demand before the competent authority in particularly under Rule of 12A of the Bihar Prohibition and Excise Rules, 2021 read with amended sub Rule 2 of Rule 12A in the year 2022 and 2023.

3. In the absence of demand before the competent authority, the instant writ petition for writ of mandamus is not maintainable or it is pre-mature. Accordingly, the instant writ petition stands disposed of as pre-mature.

4. 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.

5. With the above observation, the instant writ petition stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.08.2025
Transmission Date	NA

