

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10821 of 2025

Shahil Ray @ Sahil Roy Son of Niwas Roy @ Srinivas Ray, Resident of Village/Mohala- New Punai Chak Boring Canal Road (Pahlwan Market), Police Station, Patna, G.P.O., District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise Department, Patna (Bihar).
2. The Commissioner, Excise Department Patna, Bihar.
3. The Commissioner, Saran Division, Gopalganj, Bihar.
4. The Collector cum District Magistrate, Gopalganj, Bihar.
5. The Officer in Charge, Excise Police Station, Gopalganj, Bihar.
6. District Transport Officer, Excise Department, Gopalganj, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Baijnath Sah, Advocate
For the Respondent/s : Mr.Suman Kumar Jha, AC to AAG3

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):-

“1. That the nature of mandamus writ application is being filed for giving direction to the respondent No. 4 (DM) collector Gopalganj to release the POLA Car bearing registration No. BRO1DD-1005 Engine No. CJL128777 Chassis No. MEXJ16607HT077199, which has been seized by respondent No. 5 in Phulwariya Police station case No. (5139025240009) 09 of 2024 on 06-



01-2024 for the alleged offence under section 30 (a) of the Bihar Prohibition and Excise Amendment Act, 2022.”

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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