

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10495 of 2025

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Randhir Kumar S/o- Prabhakar Thakur Resident of Vill.- Berua Tola
Ibrahimpur, P.S.- Gaighat, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Bihar Prohibition and Excise Department, Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Officer in Charge of Prohibition and Excise P.S.- Mahua Police Station, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Adesh Raj

For the Respondent/s : Mr. Dhurjati Kumar Prasad, GP 14

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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 : 23-07-2025

Heard learned counsels for the parties.

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

*“(a). For issuance of
appropriate writ in the nature of
mandamus & certiorari for commanding
and directing the respondent authorities
to release the TATA LPT 1109 Truck of
the petitioner bearing Reg. no.
BR06GB4992 and having Chesis no
MAT457403F7A00080, Engine no.*



497TC92AUY800095 seized by Prohibition & Excise P.S. Mahua police, Gopalganj in connection with Prohibition & Excise P.S Mahua P.S case no. 55/2025 registered u/s 30(a) of Bihar Excise Amendment Act 2022, in favor of the petitioner or his representative.

(b). For the issuance of any other relief / reliefs to which the petitioner may found entitled to in the facts and circumstances of the case in favour of the petitioner.”

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)

Nirajkrs/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.07.2025
Transmission Date	NA

