

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10622 of 2025

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Ram Prakash Chaudhary, Aged about 32 Yrs, Male, Son of Shiv Chaudhary,
Resident of Village- Bairiya, P.S. Muffasil, District-E. Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through The Principal Secretary, Department of prohibition and Excise, Govt. of Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Excise, Gopalganj.
4. The Officer-in-Charge, Sidhwaliya Police Station, Dist. Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh
For the Respondent/s : Mr. Biru Prasad, GP 13
Mrs. Shweta Anand, AC to GP 13

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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 : 01-08-2025

Heard learned counsels for the parties.

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

*“That this Civil Writ is being
filed on behalf of the petitioner for
direction upon the Respondents to
release the truck of the petitioner i.e. 14
(Fourteen) Wheeler Truck of Tata
Company bearing, Reg. No.*



BR06GD3725, Chesis No. MAT541109JIN33 779 Engine No. ISB59B4S180T181L63743719 which is seized in connection with Sindhwaliya P.S. Case No. 343 of 2024, dt. 7.12.2024, U/S 318(4)/336(2)/336(3) of B.N.S. & Section 30 (a)/41(i) of Bihar Prohibition & Excise Amendment Act, 2022.”

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.

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.

4. Disposal of the present writ petition would not be a hurdle for the petitioner to invoke remedy under Rule 12 A 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. 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.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	06.08.2025
Transmission Date	

