

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10827 of 2025

Umesh Yadav S/o Gopi Chand Yadav R/o Village-Rampur Bangra, P.S.-
Taraiya Sujana, District-Kushinagar, Uttar Pradesh.

... .. 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, Excise, Gopalganj.
4. The Officer in Charge of Sidhwalia Police Station, District-Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Adesh Raj, Advocate
For the Respondent/s : Mr. Government Pleader (24)

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):-

“a. For that this civil writ application is being filed for commanding and directing the respondents authorities to release the Black Bajaj Platina Motorcycle of the petitioner bearing Reg. no. UP-57BR-1060 and he has every valid document for the same and having Chesis no. MD2B63AX5RPL18263, Engine no. PFXPRL14204, seized by SIDHWALIA Police Station, Gopalganj in connection with Sidhwalia P.S case no. 367/24 registered u/s- 30(a) of Bihar Prohibition & Excise Act, 2016, in



favor of the petitioner or his representative.

b. Any other relief/s to which the Petitioner is entitled in the facts and circumstances of the case.”

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)

abhishekk/-

U			
---	--	--	--

