

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11531 of 2025

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Rupesh Kumar S/o Manoj Mishra R/o Village- Sarari, P.S.- Goriyakothi,
District- Siwan, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Commissioner, Excise, Gopalganj Division, Gopalganj.
3. The District Magistrate, Gopalganj.
4. The Superintendent of Police, Gopalganj, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Ranjan, Advocate
For the Respondent/s : Mr. Government Advocate (2)

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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 : 11-08-2025

In the instant petition, the petitioner has prayed for the

following relief(s):-

“(i). For a direction to the
respondent no. 2 to release of Scorpio
Classic S MT 75 bearing Registration No.
BR29C9744, Chassis No.
MA1TA2YSR2H29116, Engine No.
YSR4H61441 in favour of the petitioner
who is owner of the said Scorpio Class S
MT 75, Gopalganj P.S. Case No. 924/2024
dated 8.12.2024 under section 30(a) & 32
Bihar Prohibition and Excise Act, 2018.

(ii) For a direction to the
respondents not to put the aforesaid



Scorpio Class S MT 75 on auction sale during pendency of this writ petition.

(iii) Any other relief or reliefs.”

2. In support of aforementioned relief there is no demand before the competent authority in particularly under Rule 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 present Writ petition for writ of mandamus is not maintainable or it is pre-mature. Accordingly, the present Writ petition stands disposed of as pre-mature.

4. Disposal of the present 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. If the confiscation of the vehicle has attained finality, in that event, petitioner is at liberty to prefer an appeal before the appropriate authority.



6. With the above observation, the present petition stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

Ankit Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.08.2025
Transmission Date	NA

