

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12533 of 2025

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Raj Kumar, S/o Sudama Yadav R/o Village-Dulfa, P.S. Dhansoi, District-Buxar.

... .. Petitioner

Versus

1. The State of Bihar through the Commissioner Excise Department, State of Bihar, Patna.
2. The Collector Cum District Magistrate, Kaimur at Bhabua
3. Sub-Divisional Magistrate, Bhabua (Kaimur)
4. Superintendent of Police, Bhabua (Kaimur)
5. Superintendent of Excise Prohibition, Kaimur at Bhabua.
6. Inspector of Excise Police Station, Kaimur at Bhabua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Tribhuwan Narayan, Advocate
For the Respondent/s : Mr.Navnit Kumar, AC to G.P.18

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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 : 12-08-2025

In the instant Writ petition, petitioner has prayed
for the following reliefs:-

*“(1) That the present writ application is
being filed for issuance of appropriate writ, order
and direction to the respondent Authorities to
release the vehicle i.e. Mahindra XUV-500,
bearing registration No. BR01BY-2122 in favor of
petitioner on payment of appropriate penalty*



according to Substituted sub-rule (2) of Rule 12(A) of Bihar Prohibition & Excise (Amendment) Rule – 2023, which has been seized in Excise P.S. (Bhabhua) Case No. 109 of 2025 for the offence alleged under section 30(a), 32(I), 32(3), 41(1) 41(2) of Bihar Prohibition of Excise Amendment Act 2018 and further to pass any appropriate order and direction as deem fit and proper to the fact of this case.”

2. In support of aforementioned relief there is no demand before the competent authority in particularly under Rule of 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 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)

manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.08.2025
Transmission Date	NA

