

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11623 of 2025

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Mithilesh Kumar @ Mithlesh Kumar Son of Shamkar Ray Resident of
Village-Naya Gaon Goraha, P.S.-Shyampur Bhathaha, District-Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Govt. of Bihar, Patna.
2. The District Magistrate Cum-Collector, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The S.H.O. Gopalpur Police Station, District-Gopalganj.
5. The Investigating Officer of Gopalpur P.S. Case No.303 of 2024,Gopalpur
Police Station, Distirct-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Dubey
For the Respondent/s : Mr.Government Pleader (05)

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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) A writ in the nature of
mandamus or any other appropriate writ
order/orders, direction/directions to
commanding the respondent to release,
Mahindra Bolero Pik-up Vehicle bearing
Registration No. BR06GG1687, Chassis
No. MA1ZN2TTKR1B28849, Engine No.
TTR1B21855 in favour of the petitioner
which has been seized earlier in connection
with Gopalpur P.S Case No. 303 of 2024*



registered for the offence under section 30(a) Bihar Prohibition and Excise (Amendment) Act 2018 dated 15.12.2024 forth with:-

(ii) To any other relief/reliefs for with petitioner is found in titled to.”

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

