

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12073 of 2025

Mani Shankar Prasad Son of Late Bishwanath Prasad, Resident of Village-Killa, P.O. and P.S.- Sasaram, District - Rohtas, at present Resident of Village and Mohalla- Kagarganj, infront of Electricity Office, Opposite of Petrol Pump, P.O. and P.S. - Sasaram, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Prohibition and Registration Department, Govt. of Bihar.
2. The Excise Commissioner, Govt. of Bihar, Patna.
3. The District Magistrate, Aurangabad, Bihar.
4. The Superintendent of Police, Aurangabad.
5. The Superintendent of Police, Rohtas at Sasaram.
6. The S.H.O., Sadar Aurangabad, X
7. The S.H.O. Town P.S., Sasaram.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Muskan Singh
For the Respondent/s : Mr.Government Pleader (10)

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 issuance of writ in the nature of mandamus directing and commanding the respondents to release the vehicle vide Registration No.- BR-24Q-7341, Engine No. SJE4J16197, Chasis No.- MAITA2SJXE2J21914 which has been seized by the state officials in connection with Excise Sadar, Aurangabad P.S. Case



No. 436/24 dated 10.05.2024 offence alleged under section 30(a), 30(c), 30(d), 32(3), 36 and 41(1), 41(2) of the Bihar Prohibition and Excise Act, 2016 & 2018.

ii. For declaration that seizure list and FIR prepared in connection with Excise Sadar Aurangabad P.S. Case No.- 436/24 is prima facie illegal and it has been made up by the police officials to falsely implicate the petitioner in connection with the case in an afterthought manner.

iii. For any other relief/reliefs for which the petitioner may be found entitled in the facts and circumstances of the case.

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

