

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13263 of 2025

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Ramkishun Ram Son of Nageshwar Ram, Resident of Village- Golwara (Kolwara), P.S. Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Prohibition, Excise and Registration Department, Government of Bihar, Patna.
3. The Excise Commissioner, Prohibition, Excise and Registration Department, Government of Bihar, Patna.
4. The District Magistrate-cum-Collector, Vaishali at Hajipur, District- Vaishali at Hajipur.
5. The Assistant Excise Commissioner, Vaishali at Hajipur, Vaishali at Hajipur.
6. The Superintendent of Police, Vaishali at Hajipur, District- Muzaffarpur.
7. The District Transport Officer, Vaishali at Hajipur, District- Vaishali at Hajipur.
8. The Station Head Officer, Bhagwanpur Police Station, District- Vaishali at Hajipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Advocate
For the Respondent/s : Mr.Shiv Kumar, Ac to GA 3

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

2 25-08-2025 Heard learned counsels for the parties.

2. In the instant writ petition, petitioner has prayed for
the following relief(s):-

“(i) For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent Authorities to release the Bolero Pickup Vehicle of the petitioner bearing Registration No.BR-06-GJ-3046,



Engine No.TTRIC26652, Chassis No. MAZN2TTKR1C34451 as also Androd Vivo Mobile of the petitioner bearing IMEI No.867013079741018 and 867013079741000 which was seized in connection with Bhagwanpur P.S. Case No. 86 of 2025 dated 30.03.2025 registered for the offences under Sections 30(a) of the Bihar Prohibition and Excise (Amendment)Act, 2022 after imposing minimum penalty of 10% of insured value of the vehicle in view of the provisions as contained under Rule-12 A(2) of the of the Bihar Prohibition and Excise (Amendment) Rules, 2022 (hereinafter referred to as the Amended Rules, 2022) as also several decisions of this Hon'ble Court in catena of cases.

(ii) For issuance any other appropriate writ/writs ,order/orders, direction/directions for which the writ petitioner would be found entitled under 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)

(Shailendra Singh, J)

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