

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12621 of 2025

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Rakesh Kumar, Son of Pramanand Singh, Resident of Village- Kanhara
Hardas, P.O. Sharfuddinpur, P.S. Bochaha, District- Muzaffarpur.
... .. Petitioner.

Versus

1. The State of Bihar through The Principal Secretary, Department of Prohibition and Excise, Govt. of Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Officer-in-Charge/S.H.O. of Mahammadpur Police Station, Dist. Gopalganj.

... .. Respondents.

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Appearance :

For the Petitioner	:	Mr. Dharmveer, Advocate. Ms. Priyadarshni Kumari, Advocate.
For the State	:	Mr. Government Pleader (20).

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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, the petitioner has prayed
for the following relief(s):

“For direction/directions upon the Respondents to release the seized Bajaj Maxima Tempo of the petitioner bearing, Reg. No.BR06GG1419, Engine No.AZXWRM65929, Chasis No.MD2B25BX9RWM05272 which is seized in connection with Mahammadpur P.S. Case No.277 of 2024, dt. 07.12.2024, U/S 30(a) of Bihar Prohibition & Excise Act, 2018.”

2. In support of the 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 instant writ petition for writ of mandamus is not maintainable or it is pre-mature. Accordingly, the instant writ petition stands disposed of as pre-mature.

4. 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.

5. With the above observation, the instant writ petition stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

P.S./-

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

