

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12316 of 2025

=====

Ramlawat alias Ramlvat Son of Late Chandrika, Resident of Village- Newas,
P.S.- Gola Bazar, Dist- Gorakhpur, Uttar Pradesh, Pin - 273407

... .. Petitioner

Versus

1. The State of Bihar through, the Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. The District Magistrate, Muzaffarpur.
3. The Additional District Magistrate, Muzaffarpur.
4. The Superintendent of Police, Muzaffarpur.
5. The Officer-in-Charge of Excise Police Station, Muzaffarpur.
6. The Excise Commissioner, Muzaffarpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Dharamveer, Advocate
For the Respondent/s	:	Mr. Anant Pd. Singh, SC-15
		Ms. Deepika Sharma, AC to SC-15

=====

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:-

*“(i) For issuance of appropriate Writ, order
or direction in the nature of mandamus thereby
directing the respondents to release the vehicle in
question i.e. Tata 3118C, Twelve Wheeler Truck
bearing Registration Number UP55T3522, Chesis
No.MAT466388D5C02949, Engine No.*



31C63318440, which is seized in connection with Muzaffarpur Excise P.S. Case No. 1800/2024 instituted Under Section 30 (a), 32(3) of Bihar Prohibition & Excise Act, 2016.

(ii) For grant of such other order or direction/directions for which the petitioner is 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 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

