

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12847 of 2025

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Rana Kumar Tiwari, S/o Kanhaiya Tiwari, R/o Village - Amarpura, P.S.-
Amarpura, District - Gopalganj.

... .. Petitioner

Versus

1. The State of Bihar through Secretary Excise and Prohibition Department
Government of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Gopalganj, Bihar
4. The Superintendent of Police, Gopalganj, Bihar
5. The Superintendent of Excise, Gopalganj, Bihar
6. The SHO, Sidhwaliya Police Station, Gopalganj, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shashwat Srivastava, Advocate
For the Respondent/s : Mr.Government Pleader (4)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 14-08-2025

In the instant Writ petition, petitioner has prayed
for the following reliefs:-

*“A. For issuance of an appropriate
writ/writs, order/orders, or direction/directions in
the nature of Mandamus, directing the respondents
to release the vehicle of the Petitioner, SP 125
Drum Motorcycle (Bike) bearing Registration No.
BR28AG2346, Engine No. JC94ED2105829, and*



Chassis No. ME4JC941LRD101379 which has been seized by the State officials in connection with Sidhwaliya P.S. Case No. 80/2025, registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022, dated 23.04.2025.

B. Pass such other Order/Orders as your Lordships may deem fit and proper.”

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)

(G. Anupama Chakravarthy, J)

manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.08.2025
Transmission Date	NA

