

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13124 of 2025

Sushant Kumar, Son of Dilip Kumar Chaudhary, Resident of village- Ward No. 12, Basant, Hanuman Nagar, P.S. Moro, District- Darbhanga.

... .. Petitioner

Versus

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

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Sumit Kumar Jha, Advocate
		Mr. Saurav Anand, Advocate
For the Respondent/s	:	Mr. Standing Counsel (24)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 22-08-2025

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. JCB,3DX PLUS-2WD, bearing
Registration No. BR07GC 3732, Engine No.
H00422741, Chassis No. HAR3DXS4J03387586,*



Machine No. 3387586, which is seized in connection with Moro P.S. Case No. 15 of 2025 instituted Under Section 30(a) of Bihar Prohibition & Excise Act, 2022 and Section 61(2), 3(5) of the Bhartiya Nyay Sanhita.

(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 Writ petition stands disposed of.

(P. B. Bajanthri, J)

(Shailendra Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.08.2025
Transmission Date	NA

