

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12618 of 2025

Janardan Rajbhar, S/o Late Pujan Rajbhar, Resident of Village- Radha Ganj,
Hussepur, P.S.- Bhore, District- Gopalganj.

... .. Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The District Magistrate-Cum-Collector, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Officer-in-Charge (S.H.O.), Kateya Police Station, Gopalganj.

... .. Respondents.

Appearance :

For the Petitioner : Mr. Vyas Kumar Mishra, Advocate.
For the State : Mr. Standing Counsel (21).

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):

“i. For issuance of an appropriate writ/order/
direction commanding and directing the
respondents to release the Hero Splendor
vehicle of the petitioner bearing Registration
No.-UP-52CB-6236 which has been seized
by the police in connection with Kateya P.S.
Case No.-194 of 2025 for the offences under
sections 317(5) of BNS and 30 (a) of the



Bihar Prohibition and Excise (Amendment Act), 2018.

(ii) For the further issuance of writ/order/ direction as your Lordship may deem fit and proper.”

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

