

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15480 of 2024

Chhotelal Bhagat S/o Bramdev Bhagat, R/o Adharpur, P.S. - Karpurigram,
District- Samastipur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary Excise and Prohibition Department Govt. 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, Gopalganj Police Station, Gopalganj, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sumit Shekhar Pandey, Advocate
For the Respondent/s	:	Mr. Uday Sharan Singh, GP 19
		Mr. Uday Bhan Singh, AC to GP 19

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

3 24-01-2025 In the instant writ petition, petitioner has prayed for
the following reliefs :

*“i. For issuance of a writ in the any
other appropriate order/orders,
direction/directions directing the respondents to
release the vehicle of the petitioner which is
Scorpio vehicle having Registration No. BR 01PA
8182, Engine No.- HA94G21889 and Chassis No.
MA1TA2HAN92G46145 which has been seized by
the State officials under the Mohammadpur P.S.
Case No. 132/2024 u/s 30(a) of the Bihar*



*Prohibition and Excise Amendment Act, 2018
dated 30.05.2024; And/or*

*ii. For any other order/orders,
relief/reliefs for which the petitioner may be
entitled in the eyes of law.”*

2. In support of aforementioned reliefs, there is no demand before the competent authority, in particularly, under Rule 12 A of the Bihar Prohibition and Excise Rules, 2021 read with amended sub-Rule 2 of Rule 12 A in the year 2022 and year 2023. In the absence of demand before the competent authority, the present writ petition filed for issuance of writ of mandamus is not maintainable or it is premature.

3. Accordingly, present writ petition stands disposed of as premature.

4. Disposal of the present writ petition would not be a hurdle for the petitioner to invoke remedy under Rule 12 A of the Bihar Prohibition and Excise Rules, 2021 including amended provisions in the year 2022 and year 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.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

GAURAV S./-

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