

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.89 of 2025

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Dhruv Kumar Son of Gayaram Pathak Resident of Village- Khudia, P.S.-
Deoria Town, District- Deoria, U.P.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The District Magistrate, Siwan.
3. The Superintendent of Police, Siwan.
4. The Officer-in-Charge, Guthni, Police Station Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Tiwary
For the Respondent/s	:	Mr. Anant Prasad Singh, S.C-15
		Mrs. Deepika Sharma, AC to SC-15

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

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

5 01-05-2025 Respondent counsel filed counter affidavit. Perusal of

the same it is evident the confiscation proceedings is not yet

attained finality.

2. In the instant petition, the petitioner has prayed for

the following relief(s):-

“(i). For issuance of appropriate writ in
the nature of mandamus commanding and directing
the respondent authorities to release the Patna
Motorcycle bearing Reg. No. UP52BU-9039, Chasis
No. MD2B77AX6NPG19805, Engine No.
PFXPNG09477 seized by the Guthni Police in
connection with Guthni Police Station Case NO. 6



of 2024 registered under Section 30(a) of Bihar Prohibition Excise Act 2016, in favour of the petitioner or his representative, the vehicle in question has been seized with allegation that 27.800 litre country made liquor from the case is presently pending in the Court of learned Exclusive Special Judge Excise Court No. 1, Siwan.

(ii). For the issuance of any other relief/reliefs to which the petitioner may found entitled to in the facts and circumstances of the present facts and circumstances of the case in favour of the petitioner.”

3. In support of aforementioned relief there is no demand before the competent authority in particularly under Rule 12A of the Bihar Prohibition and Excise Rules, 2021 read with amended Sub-Rule 2 of Rule 12A in the year 2022 and 2023.

4. 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 Writ petition stands disposed of as pre-mature.

5. 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.

6. If the confiscation of the vehicle has attained finality, in that event, petitioner is at liberty to prefer an appeal before the appropriate authority.

7. With the above observation, the present petition stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

Ankit Kumar/-

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