

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.157 of 2025

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Shashikant Kumar, Son of Munna Prasad Resident of Village- Dharhara, P.S.-
Silao, District- Nalanda.

... .. Petitioner

Versus

1. The State of Bihar through its Principal Secretary, Excise Department
Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Superintendent of Police, Gaya.
4. The Police Inspector of Excise Police Station, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav, Advocate
For the Respondent/s : Mr. Government Pleader (03)

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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 : 30-04-2025

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

*“(1) That the present writ petition is being
filed for directing and commanding the
respondents to release the Hero MotoCorp Ltd
Splendor motorcycle bearing Registration No. BR-
21-AC-7192, Chassis No.
MBLHAW121NHFA3983, Engine No.
HA11EYNHF00906, in the favors of the petitioner*



which has been seized by the police in connection with excise P.S. Case No. 508/2024 dated 03.05.2024 Under section 30(a) and 32(3) of Bihar excise and prohibition and amendment Act, 2018.”

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)

(S. B. Pd. Singh, J)

manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.05.2025
Transmission Date	NA

