

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19727 of 2024

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Rajesh Kumar Sahni Son of Lakhendra Sahni Resident of Village-Madhaul,
P.S.-Saraiya, Distirct-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Excise, Prohibition and Registration, Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate-Cum-Collector, Muzaffarpur.
4. The Senior Superintendent of Police, Muzaffarpur.
5. The S.H.O., Araria Police Station. x

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	Mr. Vinay Kirti Singh, GA-2.
	:	Mr. Rajan Prakash, AC to GA-2.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 06-03-2025

1. No one appears for the petitioner.

2. In the instant petition, petitioner has prayed for

the following reliefs:-

“(i) To issue an appropriate order/s, direction/s including a writ preferably in the nature of mandamus commanding and directing upon the Respondent No.3 to release the petitioner’s vehicle Tata Yodha bearing Registration No. BR06GF-4556 seized in connection with Araria Town P.S. Case No.318 of 2024 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act 2016 for allegedly transporting 599.4 litre foreign liquor.



(ii) To direct the respondent No.3 to release the petitioner's vehicle in terms of Rule 12A(2) of the Bihar Prohibition and Excise (Amendment) Rules 2023 subject to payment of 10% of the insured value of the vehicle.

(ii) To any other relief/s to which the petitioner may be found entitled in the facts and circumstances of the case."

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)

(Sunil Dutta Mishra, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.03.2025
Transmission Date	NA

