

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.35 of 2025**

Arti Kumari daughter of Amarjeet Ram, Resident of village- Bhamopali, P.S.-  
Barharia, District Siwan, At present wife of Ranjeet Kumar, resident of  
village Singaha Tola Basdila, P.S.-Mirganj, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,  
Govt. of Bihar, Patna.
2. The District Magistrate cum Collector, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The S.H.O. Hathua Police Station, District Gopalganj.
5. The Investigating Officer of Hathua P.S. Case No. 212/2024, Hathua Police  
Station, District Gopalganj.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Pankaj Kumar Dubey, Advocate  
For the Respondent/s : Mrs. Shweta Anand, A.C. to G.P.-13

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

**Date : 20-01-2025**

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

“(i) A writ in the nature of  
mandamus or any other appropriate writ  
order/orders, direction/directions to  
commanding the respondent to release,  
Hero Splender Plus Motorcycle bearing  
Registration No. BR29AY0229, Engine  
No. HA11E7PHD96081, Chassis No.  
MBLHAW220PHD71868 in favour of the  
petitioner which has been seized earlier in  
connection with Hathua P.S. Case No.  
212/24 registered for the offence under  
section 30(a) Bihar Prohibition and Excise



(Amendment) Act 2022 dated 03.09.2024  
forth with:-

(ii) To any other relief/reliefs  
for with petitioner is found entitled to.”

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 Writ 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)**

**(Sunil Dutta Mishra, J)**

rakhi/-

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