

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.246 of 2025

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Raju Ranjan Kumar S/o- Krishana Singh Yadav, R/o Village- Petari, P.S-
Jamhore, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate-cum-Collector, Aurangabad.
3. The Director General of Police, Bihar, Patna.
4. The Superintendent of Excise, Aurangabad.
5. The Superintendent of Police, Aurangabad.
6. The Station Head Officer, Excise Police Sation, Aurangabad.
7. The Sub-Inspector of Excise Police Station, Aurangabad.
8. The Investigating Officer of Excise P.S. Case No. 943/2024, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Mukul Kumari, Advocate.
For the Respondent/s : Mr. Government Pleader-14.

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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 : 27-01-2025

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

*“(i) To direct the respondent authority to
release the mobile phone Model No. VIVO-V2250,
bearing IMEI 1-862965066573339 and IMEI 2-
862965066573321, containing JIO SIM, Mobile
No.7050274073 which has been seized in
connection with Excise P.S. Case No.943 of 2024
for the offence u/s 30(a), 30(c), 30(d), 36 of the*



Bihar Excise Act 2018 and section 41(1), 41(2) of the Bihar Excise Act 2016, which belongs to the petitioner.

(ii) For the pass proper order/ orders and direction to command the respondent authority according to the facts and circumstances of this case.”

2. 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.

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)

harish/-ritik/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.01.2025
Transmission Date	NA

