

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.34 of 2025**

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Ajay Kumar S/o Nandkishor Sah, R/o Misrain Chak, P.S.- Gopalpur, Distt.-  
Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar Through Secretary Department of Excise, Bihar Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The A.S.I Excise P.S, District Gopalganj.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|-----------------------------|
| For the Petitioner/s | : | Mr. Deepankar Raj, Advocate |
| For the Respondent/s | : | Mr. Government Pleader (06) |

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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 : 20-01-2025**

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

“(i) For directing and commanding the respondent authorities to release the motorcycle namely SUZUKI BURGMAN STREET UBNMM4, bearing Registration No. - BR01JB1223, Engine No.- AF218180939 and Chassis No.- MB8EA112K- R8382404 in favour of the petitioner which has been seized in connection with Excise P.S. Case No. 891 of 2024 registered on 27.11.2024 under Section 30(a) of Bihar Prohibition and Excise Amendment Act-2002.

(ii) For directing and commanding the respondent authorities to release the motorcycle namely SUZUKI BURGMAN STREET UBNMM4 in the



favour of the petitioner on the ground that the petitioner is the owner of the said Vehicle and same is lying under open sky in the police station as nobody is there to take care of the motorcycle.

(iii) For issuance of any other relief or relief(s) for which the petitioner is entitled for.”

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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