

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.502 of 2025

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Mukesh Kumar Yadav S/o Ramgati Chaudhary, Resident of Village-Siari,
P.S.-Siwan, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The District Magistrate cum Collector, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Officer in Charge (S.H.O.) Mirganj Police Station, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate.
For the Respondent/s : Mr. Government Advocate-5.

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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 relief:-

*“i. For issuance of an appropriate writ/ order/
direction commanding and directing the
respondents to release the Hero Splendor + vehicle
of the petitioner bearing Registration No.- BR-
29AJ-8045 which has been seized by the police in
connection with Mirganj P.S. Case No.72 of 2024
for the offences under Sections 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2022.”*

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

