

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2639 of 2025

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Hareram Kumar Yadav S/o Motilal Yadav Resident of Village- Taraucha, P.S.-
Mirganj, District- Gopalganj

... .. 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.), Bhore Police Station, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate
For the Respondent/s : Mr. Saroj Kumar Sharma, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 27-03-2025

In the instant writ petition, the petitioner has prayed for
the following relief(s):

“i. For issuance of an appropriate writ/order/
direction commanding and directing the respondents to



release the TVS Jupiter 125 Drum vehicle of the petitioner bearing Registration No.- UP-52BZ-7682 which has been seized by the police in connection with Bhore P.S. Case No.- 195 of 2024 for the offences under sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

ii. For the further issuance of writ/order/direction as your Lordship may deem fit and proper.”

2. In support of the 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 instant writ petition for writ of mandamus is not maintainable or it is pre-mature. Accordingly, the instant writ petition stands disposed of as pre-mature.

4. Disposal of the instant writ 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. With the above observation, the instant writ petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Sinha, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.03.2025
Transmission Date	NA

