

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11894 of 2025

=====

Gyanendra Mishra Son of Chandrabhushan Mishra, Resident of Village- Flat No. 22, Raksha Sampada Bhawan, Ulaan Baatar Marg, nearby Palam Mode, Delhi Cantt., P.O. Delhi Cantt, District- South West Delhi- 110010.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration and Bihar Prohibition and Excise Department, Government of Bihar, Patna.
2. The Excise Commissioner-cum-Appellate Authority, Registration and Bihar Prohibition and Excise Department, Government of Bihar, Patna.
3. The District Magistrate-cum-Confiscating Authority, Kaimur, Bhabhua.
4. The Superintendent of Excise Prohibition Department, Kaimur, Bhabhua.
5. The Sub-divisional Magistrate, Bhabhua, Kaimur.
6. The Officer-In-Charge, P.S. Excise and Prohibition Department, District-Kaimur, Bhabhua.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad, Advocate
For the Respondent/s : Mr. Divit Vinod AC to SC-26

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 05-08-2025

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

“I. To issue writ/ writs, order/orders, direction/ directions including a writ in the nature of certiorari for quashing the order dated 29.04.2025 passed in Excise Appeal Case no. 46/2025 arising out of Excise Confiscation Case no. 33/2025 by learned Excise Commissioner, Patna (as contained in Annexure-P/6) whereby and whereunder the vehicle Maruti Suzuki Brezza



Car bearing Registration No. HR-98A-7932, Chassis No. MA3NYFJISMF790319 and Engine no. K15BN1206006 of the petitioner has been dismissed and affirmed the order dated 03.03.2025 passed by learned Sub Divisional Magistrate, Bhabhua, Kaimur, it is further quashed the order dated 03.03.2025 passed in Excise Confiscation Case no. 33/2025 arising out of Excise case no. 811/2024 dated 19.10.2024 by learned Sub-Divisional Magistrate, Bhabhua, Kaimur whereby learned S.D.M., Bhabhua, Kaimur has been confiscated the said vehicle Maruti Suzuki Brezza Car without considering the facts and circumstances of the case of the petitioner in proper perspectives (as contained in Annexure-P/4).

II. To issue a writ/ writs, order/ orders, direction/directions, including a writ in the nature of mandamus directing the Respondents to release the said vehicle bearing Registration No. HR-98A-7932 in favour of the petitioner accordance with law.

III. For granting any other relief or reliefs for which the petitioner may be found entitled in the facts and circumstances of the 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)

(S. B. Pd. Singh, J)

Ankit Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.08.2025
Transmission Date	NA

