

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1620 of 2018**

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Ram Kumar Thakur, son of Late Bachchu Thakur, resident of Madhopur, P.S.  
Pahutauna, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Madhubani.
2. District Magistrate, Madhubani District Madhubani.
3. The District Excise Authority Duistrict Madhubani.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Md. Soban Asghar, Adv.  
For the Respondent/s : Mr. VIKASH KUMAR- SC11

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 06-03-2018**

Petitioner has filed this writ petition seeking release of a vehicle bearing Registration No.BR-32K-7097 which has been seized by the police authorities in connection with Go Case No.71 of 2016 (Excise Case No.486 of 2016-17 violation of the provisions of Excise Act.

From the documents annexed along with the writ petition, we find that the vehicle in question is registered in the name of one Bachchu Thakur and a criminal case is also registered against Bachchu Thakur. In para 5 of the writ petition it is stated that Bachchu Thakur has expired and the petitioner



claims to be the son of late Bachchu Thakur.

That being so, in the absence of there being any evidence to show that the petitioner is the legal heir and authorized to succeed to the estate of late Bachchu Thakur in this writ petition, we cannot issue any mandamus for release of the vehicle to the petitioner.

If advised, the petitioner may first establish his claim as a legal heir entitled to the estate, property and the motorcycle in question and thereafter make a claim for release of the vehicle.

With the aforesaid observation and liberty granted to the petitioner, this application is disposed of.

**(Rajendra Menon, CJ)**

**( Rajeev Ranjan Prasad, J)**

K.C.Jha/-

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