

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13257 of 2019

=====

Vijay Kumar, Male, aged about 31 years, S/o Ramaji Singh @ Ram Ji Singh,
resident of Vill.- Tarar, P.s.- Daudnagar, Distt.- Aurangabad (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise Department, Govt. of Bihar, Old Secretariat, Patna
2. The District Magistrate, Aurangabad (Bihar)
3. The Superintendent of Police, Aurangabad (Bihar)
4. The District Supply Officer (Excise), Aurangabad (Bihar)
5. The S. H. O., Obra, Distt.- Aurangabad (Bihar)

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad, Advocate
For the Respondent/s : Mr.Kumar Manish (SC5)

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAKESH KUMAR)

2 20-09-2019 Heard Sri Raj Kishor Prasad, learned counsel for the

petitioner and Sri Kumar Manish, learned SC-5.

The present writ petition was filed with a prayer to
direct the respondents to release his motorcycle bearing
Registration No.BR01CX2175, Chassis
No.MBLHA11ATG9E28677 and Engine
No.HA11EJG9D29958. Of course in prayer portion, it has been
stated that motorcycle was seized but on perusal of the record
and the F.I.R., it is evident that no seizure memo was prepared.

Sri Kumar Manish, learned SC-5 on instruction



submits that the Officer Incharge had submitted a report to the court below that he had no objection regarding release of the vehicle since charge sheet had already been submitted.

The Court is of the opinion that writ jurisdiction can be invoked only in a case there is no alternative efficacious remedy. It is evident that the petitioner without approaching the concerned authority has directly filed the present writ petition. Accordingly, instead of passing a positive order, it would be appropriate to dispose of the writ petition granting liberty to the petitioner to approach the competent authority for release of the same since on the record, there is no seizure list of motorcycle in question. If such petition is filed within two weeks from today, it goes without saying that the authority concerned may take appropriate steps in accordance with law preferably within two weeks from the date of filing of such application.

This application is disposed of.

(Rakesh Kumar, J)

(Anjani Kumar Sharan, J)

Nasimul/Devendra

U			
---	--	--	--

