

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7855 of 2023

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Sushil Kumar Son of Late Vishwanath Singh Resident of Village- Ashraf Nagar, P.S.- Bijnaur, District- Lucknow (U.P.).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
3. The Collector-Cum-District Magistrate, East Champaran.
4. The Superintendent of Police, East Champaran.
5. The Superintendent of Excise, East Champaran.
6. The S.H.O. Ashiana Lucknow (U.P.)

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.
For the Respondent/s : Mr.Vivek Prasad (Gp7)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

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

3 27-07-2023 In the instant petition, petitioner has prayed for the following reliefs:-

"To issue an appropriate writ/order/direction, in the nature of writ of Mandamus directing the respondent Collector to release Scorpio bearing registration no. UP32HX1154, which has been illegally seized by the S.I. in Kesariya P.S. Case No. 295 of 2022 dated 21.06.2022 instituted for the offences under Sections 30(a), 32, 41(i) of the Bihar Prohibition and Excise Act, 2016.

To grant any other relief or



reliefs for which the petitioner is found entitled in the facts and circumstances of the case."

2. Question of issuance of writ of mandamus is not warranted in the absence of any application or representation before the competent authority and so also public duty vested with the concerned public servant. This ingredient is not forthcoming from the records. Therefore, the present petition is not maintainable.

3. Accordingly, the present petition stands disposed off reserving liberty to the petitioner to approach the competent authority while submitting applications/representations insofar as release of vehicle. The concerned authority is hereby directed to take note of the relevant factual aspects of the matter read with the relevant provisions and consider the petitioner's representation/application within a period of four days from the date of receipt of the petitioner's application/representation.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

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