

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8858 of 2023

Vivek Kumar Son of Ramashish Baitha, Resident of Village-Dindyat Nagar,
Bagaha, Ward No.31, Police Station-Bagaha, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Commissioner, Excise Department,
Government of Bihar, Patna.
2. The Commissioner, Excise Department, Bihar, Patna.
3. The Collector (District Magistrate), West Champaran, Bettiha.
4. The Superintendent of Police, Bagaha Police District, West Champaran.
5. The Officer in Charge of Ramnagar Police Station, West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1, Advocate
For the Respondent/s : Mr.Vikash Kumar (SC 11)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

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

Date : 29-08-2023

Heard learned counsel for respective parties.

2. In the instant petition, petitioner has prayed for the
following reliefs:-

"(i) For issuance of an appropriate writ / writs of directions to the respondents authorities concerned to release the vehicle in question, which is a Honda S.P. 125 motorcycle of Honda Company bearing Regd. No. BR-22BA-9430 was seized in connection with ramnagar P.S. Case No. 199 of 2023 for the offence registered under Section 30(a) of the Bihar Prohibition and Excise Act and the same is lying under open sky in the police station premises under the control of Excise Department.



(ii) For further relief/reliefs, which may be deemed fit and proper under the facts and circumstances of the case."

3. For issuance of writ of mandamus two ingredients are necessary, namely, representation/ application before the competent authority and such competent authority is empowered to exercise statutory duty in considering the petitioner's grievance. The first ingredient is not forthcoming. Therefore, the present writ petition is not maintainable.

4. Accordingly, the present writ petition stands disposed of as not maintainable. Disposal of the writ petition would not be a hurdle for the petitioner to submit a detailed representation before the competent authority. If such a representation is submitted, the competent authority is hereby directed to take note of Rule 12 A of Bihar Prohibition and Excise Rules, 2021 and consider the petitioner's grievance within a reasonable period of time of two weeks from the date of receipt of petitioner's representation/application.

(P. B. Bajanthri, J)

Vikash/-

(Arun Kumar Jha, J)

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

