

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9597 of 2023

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Ambika Singh S/o-Late Radhey Singh R/o-Village-Gawaspur, P.S.-
Gaurichak, Distirct-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secreary, Home Department,
Government of Bihar, Old Secretariat, Patna-800001.
2. The Secretary, Excise Department, Vikash Bhawan, Bailey Road, Patna,
Bihar-800001.
3. The District Magistrate, Collectorate Office, Patna.
4. The Officer-in-Charge of Gaurichak Police Station, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Deovind Kumar Singh
For the Respondent/s : Mr.Vikash Kumar (Sc 11)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 27-07-2023

Instant petition has been filed for following reliefs:

“For issuance of appropriate writ/orders/directions commanding the respondents to open the lock of the poultry farm of the petitioner Ambika Singh situated at Village – Gawaspur, P.S. - Gaurichak, District – Patna and released it in favour of the petitioner, which was seized in connection with Gaurichak P. S. Case No. 568 of 2021, Special Case (Excise) No. 8684/21, registered under Section 30(a), 32(3) of Bihar Prohibition Excise and



Amendment Act, 2018, which is pending in the Court of Special Judge, Excise, Patna City.”

2. For issuance of a direction under Article 226 of the Constitution, it is mandatory to approach the concerned authority in demanding or claiming certain issues of the litigant and at the same time public servant must be vested with certain statutory powers. The first ingredient relating to approaching the concerned authority is not forthcoming. Therefore, the present petition is not maintainable.

3. Accordingly, the present petition stands disposed of. Disposal of the present petition would not come in the way of the petitioner to submit representation/application before the competent authority, like District Magistrate, Collectorate Office, Patna, in so far as release of the poultry farm of the petitioner. The District Magistrate is hereby directed to take note of the relevant provisions whether the locked poultry farm could be unlocked and with certain penalty subject to outcome of the confiscation proceeding or as an interim measure, the District Magistrate could pass such speaking order. He is hereby directed to take note of Section 57(B) read with Rule 12(B) of the Bihar Prohibition and Excise Act, 2016.



4. In this regard, the petitioner is permitted to file a detailed representation/application within a period of two weeks from today. The concerned District Magistrate is hereby directed to take decision within a period of three days from the date of petitioner’s representation/application and proceed to pass order and communicate the same to the petitioner.

5. With the aforesaid observation / direction, this petition stands disposed of.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

skm/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.08.2023
Transmission Date	NA

