

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9444 of 2023

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Rakesh Roshan Son of Shiv Shankar Bhandari, Resident of Village-Betauna,
P.S.-Benipatti, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Excise, Govt. of Bihar, Patna.
3. The District Magistrate cum Collector, Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. The Excise Superintendent, Gopalganj.
6. The Officer in Charge Excise P.S., District-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pritish Ranjan, Advocate
For the Respondent/s : Mr. Shama Sinha, AC to SC-5

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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 : 21-07-2023

1. In the instant petition, petitioner has prayed for
the following relief:

*“ I. To release the vehicle i.e.
Rajdhani Passenger Bus bearing Reg. No.
UP42BT-5565 seized in connection with
Excise P.S. Case No. 526 of 2023 registered
U/SS 30 (a) of Bihar Prohibition and Excise
Act 2018.*

*II. For direction to the
respondents to release the Rajdhani*



Passenger Bus bearing Reg. No. UP42BT-5565 as the petitioner is the registered owner of the said vehicle.

III. For any other relief or reliefs for which the petitioner is entitled in the facts and circumstances of the case.”

2. Core issue relates to releasing of the subject motor vehicle, namely, bus bearing Registration No. UP42BT-5565 seized in connection with the Excise P.S. Case No. 526 of 2023, registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. The grievance of the petitioner cannot be adjudicated in the absence of demand/representation/application read with statutory duty vested with public servant. The first ingredient is not forthcoming.

4. Therefore, the present petition stands disposed of as not maintainable. Disposal of the present petition would not come in the way of petitioner to submit detailed representation/application seeking for release of subject matter of motor vehicle before the competent authority. The competent authority is hereby directed to take note of Rule 12(A) of the Bihar Prohibition and Excise Rules, 2021 as amended from time to time till date, including the Bihar Prohibition and Excise



(Amendment) Rules, 2023, dated 31st of May, 2023.

5. If such application/representation is submitted before the competent authority, the same shall be considered and suitable order be passed in accordance with law, within a period of one week from the date of receipt of the petitioner’s application/representation.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	NA
Uploading Date	26.07.2023
Transmission Date	NA

