

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 10960 of 2023

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Raja Kumar Son of Raju Kumar Resident of Village- Rana Pratap Nagar, P.S.-
Islampur, District- Nalanda (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Bihar Prohibition and Excise Department, Bihar, Patna.
2. The District Magistrate, Patna.
3. The Superintendent of Excise, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Officer in charge, Patna City Chowk P.S., District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Sudhir Kumar Sinha, Advocate
For the Respondent/s : Mr Kumar Manish, SC V

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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)

2 10-08-2023

In the instant petition, the petitioner has prayed for the

following reliefs:

“(I) To issue an appropriate order/s, direction/s including a writ preferable in nature of Mandamus commanding the respondents to release the vehicle/Honda Activa Scooty bearing Registration No BR-01FV-9308, Chassis No ME4JK154JNW029955, Engine No JK15EW3030044 in favour of the petitioner who is owner of the said vehicle seized in Patna City Chowk P S Case No 259 of 2023 registered under Section 30 (a) of Bihar Prohibition and Excise Amendment Act, 2022 lying in the premises of Police Station and subject to natural decay by payment of



prescribed percentage of insurance value of vehicle as per Bihar Excise Prohibition Amendment Act, 2023 to the satisfaction of learned District Magistrate, Patna.

(II) For issuance of appropriate writ, order/direction commanding the respondents to release the vehicle of the petitioner during the pendency of the confiscation proceeding till the disposal of the said confiscation proceeding.

(III) Any other relief/s to which the petitioner is entitled in the facts and circumstances of the case.”

2 Having regard to the relief sought in the present petition and the fact that the petitioner has not submitted any petition/representation or the application before the competent authority in so far as the releasing of the subject matter of the motor vehicle, the present writ petition is not maintainable.

3 Accordingly, this petition stands disposed of as not maintainable.

4 Disposal of the present petition would not be a hurdle for the petitioner to submit a detailed representation or application before the Competent authority within a period of two weeks from today. If such representation or application is submitted before the competent authority, the competent authority is hereby directed to pass speaking order within a period of three weeks from the date of receipt of application.



The competent authority is hereby directed to take note of Rule 12-A of the Bihar Prohibition and Excise Rules, 2021 while deciding the petitioner's application.

(P B Bajanthri, J)

(Jitendra Kumar, J)

M.E.H./-

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