

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10542 of 2023

Basudev Ray @ Basu Deo Roy Son of Durga Ray Resident of Village-
Jaisinghpur, P.S.- Turkauliya, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Principle 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.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

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

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

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

2 01-08-2023 In the instant petition, petitioner has prayed for the
following relief:

*"To issue an appropriate writ/order/direction,
in the nature of writ of Mandamus directing the
respondent Collector to release Hero HF Deluxe*



motorcycle bearing registration no. BR05Y9532, Chassis no. MBLHAR055J9B13300, Engine No. HA11EPJ9B12805. which has been illegally seized by the S. I. in Turkauliya P. S. Case No. 287 of 2023 dated 4.3.2023 instituted for the offences under 272, 273, 414, 413, 34 of the Indian Penal Code and 30(a), 32, 34, 36, 41(i) of the Bihar Prohibition and Excise Act, 2018"

(b) To grant any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case."

2. For issuance of Writ of Mandamus, two ingredients are mandatory, namely submission of Application/Representation before the competent authority and the competent authority must have vested statutory duty to decide the petitioner's grievance. The first ingredient is not forthcoming. Therefore, the petitioner is at liberty to approach the concerned authority in the confiscation proceeding. The Competent Authority is hereby directed to examine Petitioner's grievance in so far as release of the vehicle registration No. BR05Y9532, with reference to 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.

3. The concerned Authority is hereby directed to



examine and pass suitable order with reference to Petitioner's Application/Representation for release of vehicle within a period of one week from the date of receipt of the Petitioner's application/representation.

4. With the above observation, this writ petition stands disposed of.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

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