

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10166 of 2023

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Rajesh Kumar Son of Shiv Kumar Singh, Resident of- House No. 3-197,
Sector 2/A, Bokaro Steel City, P.S.- Bokaro City, District- Bokaro
(Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Excise Department,
Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Excise Superintendent of Police, Patna.
5. The SHO of Didarganj Police Station, District- Patna.
6. Mr. Sonu Kumar Sharma, Police Sub- Inspector, Didarganj Police Station,
District- Patna.
7. Mr. Anoj Kumar Pathak, Police Sub- Inspector-cum- Investigating Officer,
Didarganj Police Station, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate
For the Respondent/s : Mr. Vikash Kumar (SC 11)

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

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

4 21-08-2023 In the instant petition, petitioner has prayed for the

following relief:-

*"(i) for issuance of writ in the
nature of mandamus directing and
commanding the respondents to release
the Public Carrier Bus of the petitioner
bearing Registration No. BR27P-2919 in
favour of the petitioner which has been
siezed in Didarganj Police Station Case
No. 72 of 2003 at Didarganj Check Post
on dated 28.02.2023.*

ii) for any other relief/ reliefs



to which the petitioner may be entitled to."

2. For issuance of writ of mandamus there must be demand on behalf of the petitioner and statutory duty assigned on the concerned respondent. The first ingredient is not forthcoming. Therefore, the present petition is not maintainable. Accordingly, the present petition stands disposed off.

3. Disposal of the present petition would not be a hurdle for petitioner to approach the concerned authority by making necessary application/representation insofar as release of the motor vehicle bearing Registration No. BR27P-2919 intercepted in Didarganj Police Station Case No. 72 of 2003 at Didarganj Check Post dated 28.02.2023. If such application is submitted by the petitioner, the competent authority is hereby directed to decide the petitioner's representation in the light of Rule 12-A of the Bihar Prohibition and Excise Rules, 2021 within a reasonable period of time of one week from the date of receipt of petitioner's representation/application.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Vikash/-

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