

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10684 of 2023

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Sunil Kumar Sinha Son of Ramanand Prasad, Resident of Village- Janakpur,
Manpur, P.S. - Mufassil, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Excise Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Excise Department, Govt. of Bihar, Patna.
3. The District Magistrate, Gaya, District - Gaya.
4. The Suprindentent of Police, Gaya, District - Gaya.
5. The Excise Superintendent, Gaya, District - Gaya.
6. The Officer-In-Charge, Mufassil Police Station, Dist. - Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate
For the Respondent/s : Mr. Kumar Manish (SC 5)

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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 03-08-2023 In the instant petition, petitioner has prayed for the

following reliefs:-

*"(i) For that this writ application
is being file for issuance of writ in nature of
certiorari for quashing the order dated
27.05.2023 passed by Exclusive Special
Excise Court No. 1 Gaya by which rejected
the application filed by the petitioner for
releasing Tempoo (Autoricsa) bearing Reg.
No. BR02AA-9234.*

*(ii) For further issue direction to
the respondents to release the seized
tempoo bearing Reg. BR02AA-9234 which
is running in the name of petitioner, which
has been seized in Mufassil P.S. Case No.
714/2022, petition is ready to furnish*



sufficient surities to the satisfaction to the concern court.

(iii) For further give other legal consequential benefit attached to the petitioner."

2. Insofar as first prayer is concerned writ is not maintainable against Excise Court's order dated 27.05.2023. Release of petitioner's tempo (auto rickshaw) bearing no. BR-02AA-9234, there is no representation or application before the competent authority so as to issue writ of mandamus and to consider application of the petitioner by the competent authority. Accordingly, the present petition stands disposed off as not maintainable, reserving liberty to the petitioner to approach the concerned authority by making application or representation. If such application is submitted, the concerned authority is hereby directed to take note of Rule 12A of Bihar Prohibition and Excise Rules, 2021 and decide the grievance of the petitioner at the earliest.

(P. B. Bajanthri, J)

Vikash/-

(Jitendra Kumar, J)

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