

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 11107 of 2023

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Yogendra Thakur @ Jogendra Thakur BEGA THAKUR Resident of Village
-Bodhchhapar, P.S.-Gopalpur, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Excise Commissioner, Bihar, Patna.
4. The Inspector General of Police, Bihar, Patna.
5. The District Magistrate/ Collector, Gopalganj.
6. The Superintendent of Police, Gopalganj.
7. The Excise Superintendent of Police, District-Gopalganj.
8. The Officer-in-Charge of Excise Police Station, District-Gopalganj.
9. The Investigating Officer of Excise P.S. Gopalganj Case No. 395/2023 Dated-08.04.2023, Excise Police Station, Distirct-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Javed Aslam, Advocate
For the Respondent/s : Ms Supragya, AC to GP VII

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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:

*“(A) A writ in the nature of
mandamus or any other appropriate
writ/writs, order/orders, direction
commanding the respondents for the
following :-*

*(i) To release the Hero Glamour
Motorcycle bearing Registration No*



***BR28V8707, Chassis No
MBLJAW084K9D01141, Engine No
JA06EHK9D16955 in favour of the
petitioner, which was seized in connection
with Excise P S Gopalganj Case No 395 of
2023 dated 08.04.2023 registered for the
offence under Section 30 (a) of the Bihar
Prohibition and Excise Act 2016 and
Amendment Act 2018.***

***(B) To any other relief/reliefs for
which the petitioner found entitled to.”***

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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