

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10795 of 2023

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Jitendra Kumar Son of Dwarika Prasad, Resident of Village Mohammadpur Shahganj, (District- Patna) near Kabristan, P.S. Sultanganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Bihar Prohibition and Excise, Government of Bihar, Patna.
2. The Collector-Cum-District Magistrate, Patna.
3. The Superintendent of Police, Patna.
4. The Superintendent of Excise, Patna.
5. The Officer In Charge, Sultanganj, Police Station, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Advocate
For the Respondent/s : Mrs.Shama Sinha, AC to SC5

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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 07-08-2023 In the instant petition, petitioner has prayed for the following relief(s):-

“(A) Issuance of an appropriate writ in the nature of mandamus or any other appropriate writ, order/s direction commanding the respondents for the following reliefs:-

(i) To release the Scooty TVS Jupiter bearing registration No. BR01FQ2316, Chassis No. MD626AK40N1B80428, Engine Number AK4BN1000007 which has been seized by S.H.O. Sultanganj Police Station, District – Patna in connection with Sultanganj P.S. Case No. 165/2023



dt 21-04-2023 for offences under sections 30(a) of Bihar Prohibition Act 2018 which has been forwarded to the court of learned Exclusive Special Court of Excise, Patnacity.

(B) To any other relief/reliefs for which the petitioner is entitled in the facts and circumstances of the case.”

2. Issuance of Writ of Mandamus is not warranted in the absence of compliance of one of the ingredient, namely, approaching the authorities by means of representation/application for release of the subject matter of motor vehicle, namely, Scooty TVS Jupiter bearing registration no. BR01FQ2316 seized by S.H.O. Sultangaj, Police Station, District - Patna arising out of P.S. Case No. 168 of 2023 dated 21.04.2023 for the offences under Section 30(a) of Bihar Prohibition & Excise Act, 2018.

2. On this short ground, the present petition stands disposed of as it is not maintainable.

3. Accordingly, the petitioner is at liberty to approach the concerned authority in submitting detailed representation or application. If such representation or application is submitted before the competent authority, the competent authority is hereby directed to take note of Rule 12(A) Bihar Prohibition & Excise (Amendment) Rules, 2022 is attracted in the case or not



and pass speaking order within a reasonable period of time.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

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