

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11661 of 2023

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Rahul Kumar, aged about 26 years (Male), son of Raja Rama Shahni, Resident of Malahi Pakri, P.S.-Kankarbagh, Distirct-Patna.... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Government of Bihar, Patna.
 2. The Principal Secretary, Excise Department, Government of Bihar, Patna
 3. The District Magistrate-cum-Collector, Patna.
 4. The Senior Superintendent of Police, Patna.
 5. The Sub-inspector of Police, Police Station-Naubatpur, District-Patna.
- Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Rakesh Bihari Singh, Advocate
For the Respondent/s : Mr. Kumar Manish (SC5)

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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)

2 22-08-2023 Heard learned counsels for the respective parties.

2. In the instant petition, petitioner has prayed for following reliefs:-

"(i) To release the Swift Car Registration No. BR-01EW-0664, Chasis No. MA3CZFB3SLH6873873, Engine No. -K12NN9027847 of the petitioner, which was seized by the police of Naubatpur Police Station in connection with PTN No. 384 of 2023 arising out of Naubatpur P.S. Case No. 119 of 2023 registered under section 414, 420 of IPC and u/s 30(a) (ii) (iii), 36, 41(i)(ii) of Bihar Prohibition and Excise Act, 2022.

(ii) For any other appropriate relief/reliefs to which the petitioner found entitled in the facts and circumstances of the present



case."

3. For issuance of writ of mandamus two ingredi-
ents are necessary, namely, representation/ application before
the competent authority and such competent authority is em-
powered to exercise statutory duty in considering the petitioner's
grievance. The first ingredient is not forthcoming. Therefore, the
present writ petition is not maintainable.

4. Accordingly, the present writ petition stands
disposed of as not maintainable. Disposal of the writ petition
would not be a hurdle for the petitioner to submit a detailed
representation before the competent authority. If such a repre-
sentation is submitted, the competent authority is hereby di-
rected to take note of Rule 12 A of Bihar Prohibition and Ex-
cise Rules, 2021 and consider the petitioner's grievance
within a reasonable period of time of two weeks from the date
of receipt of petitioner's representation/application.

5. With the above observations, the present writ
petition stands disposed of.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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