

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11110 of 2023

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Noor Alam @ Noor Alam Miya, Son of Vigan Miyan Resident of Village-
Kujra Toli, Sher, P.S.-Sidhwalia, 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 Distirct Magistrate/Collector, Gopalganj.
6. The Superintendent of Police, Gopalganj.
7. The Excise Superintendent of Police, District-Gopalganj.
8. The Officer-in-Charge of Sidhwalia Police Station, Distirct-Gopalganj.
9. The Investigating Officer of Sidhwalia P.S. Case No. 199/2023 Dated-23.06.2023, Sidhwalia Police Station, District-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam, 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 JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 22-08-2023

Heard learned counsels for the parties.

2. In the instant petition, petitioner has prayed for
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 TVS XL100 Comfort Motorcycle bearing Registration No. BR28Z8810, Chassis No. MD621CP26M1P01665, Engine No. BP2PM1207651, in favour of the petitioner, which was seized in connection with Sidhwalia P.S. Case No. 199/2023 dated-23.06.2023 registered for the offence under Section-30(a) of the Bihar Prohibition and Excise Act, 2022.

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

3. For issuance of writ of mandamus two ingredients are necessary, namely, representation/ application before the competent authority and such competent authority is empowered 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 representation is submitted, the competent authority is hereby directed to take note of Rule 12 A of Bihar Prohibition and Excise 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)

rakhi/-

AFR/NAFR	
CAV DATE	N.A.
Uploading Date	25.08.2023
Transmission Date	N.A.

