

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 10932 of 2023

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Jitendra Kumar Chaudhary Son of Yogendra Chaudhary Resident of Village-
Jaisinghpur, P.S.- Turkauliya, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Principle Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
3. The Collector- Cum- District Magistrate, East Champaran.
4. The Superintendent of Police, East Champaran.
5. The Superintendent of Excise, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Abhishek Kumar, Advocate
For the Respondent/s : Mr Kumar Manish, SC V

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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) To issue an appropriate writ/order/direction, in the nature of writ of Mandamus directing the respondent Collector to release Honda Shine motorcycle bearing registration no. BR05AA8627, which has been illegally seized by the S. I. in Ghorasahan(Jitna) P. S. Case No. 307 of 2023 dated 2.6.2023 instituted for the offences under 30(a), 41(i) of the Bihar Prohibition and Excise Act, 2018

(b) To grant any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case.”



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 or 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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