

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 11291 of 2023

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Nitesh Kumar Son of Shiv Shankar Singh, Resident of Village-Sahwazpur,
P.O. and P.S. Jehanabad, District-Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Govt of Bihar, Patna.
2. The Collector-cum-District Magistrate, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Excise Superintendent Patna.
5. The Officer-in-Charge, Didarganj, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Satyendra Prasad Singh, Advocate
For the Respondent/s : Mr Vikash Kumar, SC XI

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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 11-08-2023 In the instant petition, the petitioner has prayed for the
following reliefs:

*(i) For issuance of writ in the
nature of Mandamus directing the
respondents to forthwith release Tempo,
vide Registration No BR25PA – 2860,
which was seized in Didarganj PS Case
No 130/2023 under Sections 30 (a), 36 of
Bihar Prohibition and Excise Act dated
28.04.2023.*

*The details of Tempo is Bajaj
Auto Ltd, date of Registration 19.07.2022,
Chassis No MD2B47AX3NWD25843,
Engine No AZXWNC96541, class of
vehicle – three wheeler (passenger) taken*



into custody by SHO, Didarganj, Patna City in connection with Didarganj PS Case No 130 of 2023 while the petitioner lodged Jehanabad (T) PS Case No 115 of 2023 on 08.02.2023 regarding the theft of his Tempo vide Reg No BR25PA-2860.

(ii) For issuance of any other appropriate writ/writs, direction/directions as Your Lordships may find suitable in the facts and circumstances of this case.

2 The petitioner has submitted representation/application before the Deputy Secretary, Excise.

3 If it is before the wrong authority, the concerned authority is hereby directed to transmit the papers to the competent authority. Thereafter, the competent authority is hereby directed to pass an order whether petitioner is entitled for release of his motor vehicle or not by invoking Rule 12A of Bihar Prohibition and Excise Rules, 2021.

4 The above exercise shall be completed within a period of 15 days from the date of receipt of this order.

5 Accordingly, petition stands disposed of.

(P B Bajanthri, J)

(Jitendra Kumar, J)

M.E.H./-

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