

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11478 of 2023

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Rajendra Singh Son of Banbari Lal Resident of Village- Ganganagar, Police Station- Mahama, District- Rohtak (Haryana).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Department of Excise, Patna.
2. The Collector-cum- District Magistrate, Darbhanga.
3. The Superintendent of Police, Darbhanga.
4. The Station House Officer, Jamalpur Police Station, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha, Advocate
For the Respondent/s : Mr. Kumar Manish (SC-5)

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

“That this is an application for issuance of an appropriate writ(s), order(s), direction(s) for release of vehicle of petitioner bearing Registration No. HR-46E-6679, Chassis No. MB1CTCHDOJPGC3065, Engine No. JCPZ109943 in favour of petitioner which has been seized in connection with Jamalpur (Darbhanga) P.S. Case No. 02 of 2020 dated 05.01.2020 for offences under Section 272/273/34 of the Indian Penal Code and Section 30(a) Bihar Prohibition and Excise Amendment Act, 2018.”



2. The petitioner has already suffered order before the Confiscating authority, Appellate authority and Revisional authority. The petitioner is not aggrieved by the orders of the aforementioned authorities. He is interested only in release of the motor vehicle subject to determination of penalty under Rule 12-A of the Bihar Prohibition and Excise (Amendment) Act, 2023. Even for the aforementioned relief, the petitioner has not approached the concerned authority. In other words, the petitioner is seeking a writ of mandamus for release of the subject matter of vehicle wherein Registration No. HR-46E-6679 in favour of the petitioner which been seized in connection with Jamalpur (Darbhanga), P.S. Case No. 02 of 2020 registered on 05.01.2020 for the offences under Sections 272/273/34 of the Indian Penal Code read with Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Therefore, the present petition is not maintainable on the ground that petitioner has failed to fulfil the ingredient of approaching the concerned authority by means of representation or application followed by statutory duty vested with the concerned authority.

4. Accordingly, the present petition stands disposed of as not maintainable.



5. Disposal of the present petition would not be a hurdle to approach the concerned authority under under Rule 12-A of the Bihar Prohibition and Excise (Amendment) Act, 2023. If such application or representation is submitted, the concerned authority is hereby directed to pass a detailed order while invoking Rule 12-A, if the subject matter of motor vehicle is not already auctioned as on today. The petitioner is hereby directed to furnish his representation or application for consideration of his grievance under Rule 12-A within a period of three (3) weeks from today.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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