

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12231 of 2023

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Amit Kumar S/o Om Prakash Singh, R/o C-1840, Ground floor, Palam Vihar,
Gurgaon, Haryana-122001.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Excise Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Excise, Govt. of Bihar, Patna.
3. The District Magistrate, Samastipur.
4. The S.I. Cum- S.H.O. Rosara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Noushad Khan, 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 : 22-09-2023

Heard learned counsels for the respective parties.

2. In the instant writ petition, petitioner has prayed for
the following relief/reliefs:

*“(i) For issuance of an
appropriate writ commanding and directing
the respondents to release the seized
**MARUTI MOTOR CAR – NT, Model
VITARA BREZZA-VDI, Variant-
MARUTI VITARA BREZZA VDI
(1248CC) body type RIGID (PASSENGER
CAR) (color) CERULEAN BLUE***



DIESEL, bearing Regd. No. HR-87-A-0871, Engine No. D13A-5581686, Chassis No. VA3NYFB1SJA337897 in connection with Rosera P.S. Case No. 252/2023, dated 06.04.2023, instituted for the offences under sections 272, 273, 420, 467, 468, 471 read with 34 Indian Penal Code and Section 30(a) Bihar Prohibition and Excise Amendment Act, 2018.

(ii) For issuance of any other relief/reliefs as your lordship may deem fit and proper which the petitioners may find entitled with the facts and circumstances of the present case in the favour of the petitioner above named.”

3. The present writ petition is not maintainable for issuance of writ of mandamus or direction to the concerned authority in the absence of demand like representation or application before the competent authority which is empowered to exercise statutory duty in considering the petitioner's grievance. Therefore, writ petition is not maintainable.

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

5. Disposal of the present writ petition would not be a hurdle for the petitioner to submit a detailed application/representation in the prescribed form before the



competent authority in the light of Rule 12 A of Bihar Prohibition and Excise Rules, 2021. If such application is submitted, the concerned authority is hereby directed to take note of and decide the petitioner’s application/representation within a period of two weeks from the date of receipt of such application/representation, such consideration is subject to confiscation of proceedings, if any. In other words, petitioner’s right is protected to pursue confiscating proceedings, in accordance with law.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.09.2023
Transmission Date	NA

