

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12172 of 2023

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Harendra Kumar Singh Son of Mithilesh kumar Singh Owner of Blue Coloured car of Maruti Suzuki Company, 34 Kachra Palamu, Kamgarpur, Jharkhand, PIN-Code-822116

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Old Secretariat, Patna.
2. Department of Home through its Principal Secretary, Old Secretariat, Patna.
3. Director General of Police, Old Secretariat, Patna.
4. Deputy Inspector General of Police, Magadh Range, Gaya.
5. The Superintendent of Police, Aurangabad Bihar.
6. Sub-Inspector of Police, Aurangabad Excise Police Station, Aurangabad.
7. Department of Excise, State of Bihar through its Principal Secretary, Old Secretariat, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dudheshwar Singh, Advocate
For the Respondent/s : Mr. Manish Kumar, Advocate

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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. To issue writ of mandamus or any other writ or or writs, direction or directions commanding upon the respondents to release the blue coloured car of Maruti Suzuki Company of the petitioner which was confiscated by the Aurangabad Excise Police Station in course of its search operation on



03.04.2023. The Registration No. of the vehicle was JH01EG 5767.

ii. To pass any such other order or orders as this Hon'ble Court thinks fit and proper."

3. The present writ petition is not maintainable for issuance of writ of mandamus or direction to the concerned authority in the absence of any demand like representation or application before the competent authority.

4. Learned counsel for the respondents have contended that confiscation proceedings has attained finality against the petitioner on 01.09.2023, therefore, petitioner has statutory remedy of filing appeal before the appellate authority under Section 92 of the Bihar Prohibition and Excise Act, 2016 (for short 'Excise Act, 2016')

5. Accordingly, present writ petition stands disposed of. Disposal of the present petition would not be a hurdle for the petitioner to invoke remedy before the appellate authority under Section 92 of the Bihar Prohibition and Excise Act, 2016 or in the alternative he is permitted to submit representation or application under Rule 12 – A of Bihar Prohibition and Excise Rules, 2021. If such application/representation in the prescribed form or appeal is filed, the concerned authority is hereby directed to take note and



decide the petitioner’s grievance within a period of three weeks
from the date of receipt of such application/appeal.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.05.2023
Transmission Date	NA

