

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13551 of 2023

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Munna Singh @ Tiger S/o Narendra Singh, Resident of Village- Peuli, P.S.-
Mirganj, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Govt. of Bihar, Patna.
2. The Confiscating Officer -cum- District Magistrate, Gopalganj.
3. The Superintending of Police, Gopalganj.
4. The Station House Officer (S.H.O.), Uchkagaon, Police Station, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, 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 22-09-2023 Heard learned counsel for the respective parties.

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

*“1. That this petition is being
filed for releasing of the vehicle (Hero
Splendor Plus) bearing Registration
No.-BR-29AW- 6722, Chasis No.-
MBLHAW22XPHB17391, Engine No.-
HA11E7PHB13678 that has been seized
by the police authority on the allegation
of carrying illicit liquor.”*

03. For issuance of writ of mandamus two ingredients



are necessary, namely, representation/application before the competent authority and such competent authority is empowered to exercise statutory duty in considering the petitioner's grievance. The first ingredient is not forthcoming. Therefore, the present writ petition is not maintainable.

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

05. Disposal of the present writ petition would not be a hurdle for the petitioner to file a detailed application/representation before the competent authority under the relevant provisions of the Bihar Prohibition and Excise Act, 2016 and Rules framed thereunder. If such application/representation is filed, the competent authority is hereby directed to take note of the petitioner's grievance and redress the same in the light of relevant provisions including Rule 12(A) of Bihar Prohibition and Excise Rules, 2021 by passing a suitable order within a reasonable period of three weeks from the date of receipt of petitioner's representation/application.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Ashish/-

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