

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13629 of 2023

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Shatrudhan Mahto Son of Nageshwar Mahto, Resident of village- Rudaha,
Adi Gopalpur, P.S- Bochan, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Department of Bihar Prohibition and Excise, Government of Bihar, Patna.
2. The Collector-cum-District Magistrate, Muzaffarpur.
3. The Superintendent of Police, Muzaffarpur.
4. The Superintendent of Excise, Muzaffarpur.
5. The Officer In charge, Gaighat Police Station, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate
For the Respondent/s : Mr. Vivek Prasad (GP- 7)

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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):-

“(i) To release the Bolero Maxitruck (Pick up) bearing registration No.BR06GD8341, Chesis No. MA1ZP2TBKK6D25048, Engine Number TBK4D61191 which has been seized by S.H.O. Gaighat Police Station, District- Muzaffarpur in connection with Gaighat P.S. Case No. 29/23 dated 21-01-23 for offences under Section 30(a) of Bihar Prohibition Act which has been forwarded to the court of learned Special Judge, Excise Court No.I, Muzaffarpur.

(B) To any other relief/reliefs for which the petitioner is entitled in the facts and circumstances of the case.”



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)

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