

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13128 of 2023

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Babudatt Son of Sri Harkesh, Resident of village- Rampur Bangr, P.O.- Mathia Sri-
ram, P.S.- Tarya Sujan District- Kushinagar, Uttar Pradesh-274409.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Excise, Govern-
ment of Bihar, Patna
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Station House Officer, Kuchaikote Police Station, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Upendra Yadav, 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:

*“A) To issue a writ in the nature of man-
damus directing/commanding the Respondents to re-
lease without number Hero MotoCorp Splendor+ Mo-
torcycle having Engine No. HA11EVPHA34847, Chasis
No.- MBLHAW112PHA74867 in favour of Petitioner
which has been seized in connection with Kuchaikote*



*P.S. Case No. 124/2023 registered under Section 30(a)
of Bihar Prohibition and Excise Act, 2018.*

*B) Any other relief/s, which this Hon'ble
Court may deem fit and proper in the facts and circum-
stances may also be granted."*

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 confiscation 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

