

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13168 of 2023

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Rambilas, Son of Chandradev @ Chndrdev, Resident of Village- Patherwa,
P.S. Patherwa, District Kushinagar (Uttar Pradesh)- 274401.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Govt. of Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Deputy Superintendent of Police, Gopalganj.
5. The Officer-in-Charge, Kateya Police Station, District Gopalganj.
6. The Excise Commissioner, Gopalganj.
7. The Investigating Officer of Kateya, P.S. Case No. 235/2023.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh, 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 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 writ in the
nature of mandamus commanding and di-
recting the respondents authority to release
the vehicle Splendor bearing Registration*



No. UP57BE1214, Chassis No. MBL-HAW124NHA08276, Engine No. HA11EDNHA36053 which was seized in connection with Kateya P.S. case No. 235/2023 registered under section 30(a) of the Bihar Prohibition & Excise Act in favour of the petitioner who is owner of the vehicle.

(ii) And for any other relief/reliefs for which the petitioner is found to be entitled in the eye of law.”

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/representation is submitted, the concerned authority is hereby directed to take note of and decide the peti-



tioner’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

