

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13217 of 2023

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Anup Kumar Yadav Son of Sunil Kumar Yadav Resident of Bhathwa Pashu-
ram, P.S.-Kuchaykot, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Excise and Prohibition Department, Bihar, Patna.
2. The Principal Secretary, Department of Excise and Prohibition Government of Bihar, Patna.
3. The District Magistrate, Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. The Station Head Officer, P.S.-Phulwariya, District-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Prasad Yadav No.1, 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:

*“That the instant application is being filed
for issuance of appropriate writ (s) thereby command-
ing and directing the respondent to release the peti-
tioner’s Hyundai Car bearing Registration No.*



BR28AA-5655, Engine No. G4LANM180147, Chasis No. MALB351CLNM315242 which has been seized in connection with Phulwariya P.S. Case No. 92/2023 dated 15.03.2023 registered u/s 30(a)/41(i) of Bihar Excise Act, 2018 pending in the court of Additional Sessions Judge-II-cum-Special Judge, Phulwariya Excise Court-I, Gopalganj as the petitioner is the registered owner of the said seized vehicle and / or grant any other relief (s) for which the petitioner is entitled to in the facts and circumstances of the present case.”

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 author-



ity is hereby directed to take note of and decide the petitioner’s ap-
plication/representation within a period of two weeks from the
date of receipt of such application/representation such considera-
tion is subject to confiscation of proceedings, if any. In other
words, petitioner’s right is protected to pursue confiscation pro-
ceedings, 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

