

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15323 of 2023

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Niraj Kumar Ram S/O- Munnilal Ram, Vill Kolua, PS Duraudha, Dist.-
Siwan

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal secretary, Excise Department.
Government of Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The station house officer, Phulwariya, Distt.- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sushil Kumar, 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 RAMESH CHAND
MALVIYA

ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 01-12-2023

Heard learned counsels for the respective parties.

2. There is delay of two days in re-filing after rectifying
the office objections. The delay stands condoned.

3. In the instant writ petition, petitioner has prayed for
the following relief/reliefs:

*“That this writ petition is being
filed for issuance of a direction/order an
appropriate writ for directing the*



respondent authorities to release of vehicle Bazaj city 100 motor cycle vide Registration no. BR29AK9659 of petitioner which has been seized at Balathari check post , Ps – Kochaikote, Distt. Gopalganj in Kochaikote PS Case No. 396/2023 allegation under section 30 (a) of Bihar prohibition Excise Act 2018 for recovery = Total 9 litre bonty babli counter made liquor.”

4. 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 who is empowered to exercise statutory duty in considering the petitioner's grievance. Therefore, writ petition is not maintainable.

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

6. 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 and sub-Rule 2 of Rule 12 A of (Amended) Rules, 2023. If such application/representation 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)

(Ramesh Chand Malviya, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.12.2023
Transmission Date	NA

