

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15365 of 2023

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Binod Kumar Mishra Son of Yogi Mishra, Resident of Flat No.304, Ashiya Plaza, Bhagwanpur Chowk, Muzaffarpur. P.S.-Bhagwanpur, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Prohibition Excise, Government of Bihar, New Secretariate, Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Officer-in-Charge, Kuchaikot Police Station, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhramveer, 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 : 08-11-2023

In the instant petition, petitioner has prayed for the following reliefs:-

"For direction upon the Respondents to release the seized Mahindra XUV-500 Vehicle, bearing Reg. No. BR-06 PD 5101, Chesis No. MA1YU2HHUH6C 18466, Engine No. HHH4C 17939 which is seized in connection with



*Kuchaikot P.S. Case No. 437/23,
dated 21.08.2023, U/S 30 of Bihar
Prohibition & Excise Act, 2018."*

2. For issuance of writ of mandamus, petitioner has not approached the concerned authority and further he has not apprised the concerned authority who was required to redress the grievance of the petitioner. In absence of these two material information, question of issuance of writ of mandamus for release of the subject matter of motor vehicle bearing No. BR-06-PD 5101, Mahindra XUV-500 is impermissible. In other words, in the present writ petition for issuance of writ of mandamus sufficient material information has not been placed on record. Accordingly, the present writ petition stands disposed of.

3. Disposal of the present writ petition would not be a hurdle for the petitioner to approach the concerned authority while invoking Rule 12-A of Bihar Prohibition and Excise Rules, 2021 (for short 'Rules 2021') in the prescribed application form. If such application is filed and if confiscation proceedings has not attained finality as on this day the concerned authority is hereby directed to examine the grievance of the petitioner under Rule 12-A of the Rules, 2021 within a period of three weeks from the date of receipt of petitioner's application in the prescribed format. The concerned



authority is hereby directed to take decision on the petitioner's application filed under Rule 12-A of the Rules, 2021.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

