

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15359 of 2023

Vijay Ray, Son of Jay Ram Ray, Resident of Mohalla- Jay Ram gali New
Yarpur, Janta Road, P.O.-G.P.O., P.S.-Gardanibagh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Excise Commissioner, Bihar at Patna.
2. The District Magistrate, Patna.
3. The Excise Superintendent, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Abhay Kumar

For the Respondent/s : Mr.Kumar Manish (Sc 5)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

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

3 23-11-2023 In the instant petition petitioner has prayed for the
following reliefs:

“That this writ petition is being filed for issuance of a writ in the nature of writ of mandamus directing the respondent for release the Motorcycle Honda Sine bearing registration No.BR01 ED/2628, Engine No. JC73ET2246572 and chasis No.-ME4JC73ABKT006981 of the petitioner seized in connection with Malsalami P.S. Case No.60/2023 under Section 30(a)/36 of Excise Act and be further pleased to pass an appropriate writ or writs, direction or directions as your Lordships may deem fit and proper.”

2. For issuance of writ of mandamus under Article 226 petitioner has to approach the concerned authority in demanding release of the seized vehicle in the absence of such demand before the competent authority and further competent



authority must have statutory duty to act upon the petitioner's representation in so far as releasing of the vehicle. In the absence of these material information the present writ petition cannot be entertainable. Accordingly writ petition stands disposed of.

3. Disposal of the present petition would not hurdle for the petitioner to invoke remedy under Rule 12(A) of Excise Rules, 2021. If such application is filed in the prescribed form before the concerned authority, he is hereby directed to examine the representation of the petitioner and decide the petitioner's grievance within a period of three weeks from the date of receipt of such application.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

Prakash Narayan

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