

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14327 of 2023

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Asha Devi W/o Shital Choudhary, R/o Ashran Road, P.S.-Giridih, District-Giridih Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Home (Police) Department, Government of Bihar, Patna.
2. The Principal Secretary Excise and Prohibition Department, Government of Bihar, Patna.
3. The Deputy Secretary, Prohibition Excise and Registration Department, Excise Chemical Examiner Office, Sandalpur Road, Kumhrar, PIN-800006, District-Patna.
4. The S.H.O. of Daniyawan Police Station, Fathua Sub-division, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Madhukar Anand, 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 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 the present writ application has been preferred for issuance of writ of mandamus commanding the respondents to release vehicle (Mahindra Scorpio) bearing Registration no.JH-10-CC-9031. Engine No.XML4K17992, which has been seized by the respondents in connection with Daniyawan P.S. Case No.91 of 2023 dated 12.04.2023, registered for offence under sections 30(a), 32(2)(3),36, 41(1)(2) of the Bihar Prohibition & Excise Act and for issuance of other appropriate writ/writs, direction/directions, order/orders



in the facts and circumstances of this case.”

2. For issuance of writ of mandamus under Article 226 petitioner has to approach the concerned authority in demanding release of the seized vehicle and 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 be a 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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