

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4880 of 2024

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Deepak Kumar Singh S/O Rajkumar Singh, Resident of village - Kasma Marar, ward No 02, P.S - Khajauli, District - Madhubani (Bihar) 847228.

... .. Petitioner/s

Versus

1. The State Of Bihar Through chief secretary Govt of Bihar Patna.
2. The Commissioner Darbhanga Govt. of Bihar Patna.
3. The District Magistrate Madhubani District Madhubani.
4. The Additional Collector Department of land reforms and revenue State of Bihar District Madhubani.
5. The officer incharge (SHO) Khajauli P.S District- Madhubani.
6. The I.O Khajauli P.S case no 185/2023 District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajkumar Rajesh
For the Respondent/s : Mr.Government Pleader (17)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

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

Date : 21-03-2024

In the instant petition, petitioner has prayed for following

relief:

(i) For issuance of writ in the nature of mandamus directing to the respondent to release the vehicle pick-up van bearing Registration No. BR07GB/8459 having Chinces No MAIZN2INKN6E26771, Engine No. INN4E85451 which has illegally been seized in connection with Khajauli P.S case No 185/2023 under section Bihar prohibition and Excise Act 2016.

(ii) For that further through an appropriate writ or writs set aside the notice dated 13/12/2023 where by where under the vehicle of petitioner has been seized despite 'it was the Taxi and petitioner was no where from



which the goods of another concerned person, vehicle has been seized in consequence of Taxi engaged by the co-accused for which the competent authority has given permission to transport the goods for which petitioner is nothing from sealed pocket of customers regarding this matter.

(iii) For that the petitioner is ready to corporate the proceeding to release the vehicle of the petitioner but the respondent kept mum on the representation of petitioner violative of Administration of Justice and rule of law.

(iv) For that any other relief or reliefs may be given to the petitioner as your lordship may deem fit and petitioner in this matter.

(v) Through an appropriate writ or writs quash the notice dated 13.12.2023 passed in Case No. 121/2023 and allow to participate in proceedings to release vehicle.

2. The petitioner is stated to have approached the concerned authority and concerned authority proceeded to communicate decision on 13.12.2023 asking the petitioner to submit application within a period of 15 days. The petitioner could not avail 15 days time for the reasons that he was in custody and it was beyond his control. Be that as it may, the concerned authority cannot insist petitioner to file application in the prescribed form under Rule 12 A of the Bihar Prohibition and Excise Rules, 2021 read with Amended Rules 2022 and 2023 within the time limit for the reasons that statute does not empower the concerned authority to stipulate time limit for submission of application

3. Accordingly, petitioner is hereby directed to furnish



application under Rule 12 A of the Bihar Prohibition and Excise Rules, 2021 read with Amended Rules 2022 and 2023 within a period of four weeks. The concerned authority is hereby directed to redress grievance of the petitioner and proceed to pass detailed a speaking order and communicate the same to the petitioner within a period of two weeks from the date of receipt of such application to be submitted under Rule 12 A of the Bihar Prohibition and Excise Rules, 2021 read with Amended Rules 2022 and 2023.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

vashudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.04.2024
Transmission Date	NA

