

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6734 of 2024

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Ram Subhag son of Late Uday Narayan Yadav @ Uday Narayan resident of Village-Latera, Post Office-Unji, Police Station-Dubauliya, District-Basti (Uttar Pradesh).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Prohibition, Excise and Registration Department, Government of Bihar, Patna.
3. The District Magistrate cum Collector, Muzaffarpur.
4. The Superintendent of Police, District-Muzaffarpur.
5. The Excise Superintendent, District-Muzaffarpur.
6. The Station Head Officer, Baruraj Police Station, District-Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shiopujan Baitha, Advocate
For the Respondent/s : Mr.Government Pleader (20)

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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 : 22-04-2024

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

a. For issuance of appropriate writ/writs, direction / directions in the nature of mandamus or writs, order or orders for directing the Respondent No.3 to release the Truck bearing No. UP51BT7311, Chassis No. MAT563010NAN12483, Engine No.



3.3LNGDO6NXX533425, in favour of the petitioner, who is owner of the said Truck, which has been seized under Muzaaffarpur District vide Baruraj P.S. Case No. 237/2023 dated 31.10.2023 under Section 30(a) of Bihar Prohibition and Excise Act.

b. For a direction upon the respondents not to put the aforesaid Truck on auction sale during pendency of the writ petition and take final decision on the application dated 20.02.2024 for release of the truck in the light of the provisions as incorporated under Rule 12A of Bihar Prohibition and Excise Rules, 2021 read with amended sub Rule (2) of Rule 12A in the year 2022 and 2023.

c. For any other relief/reliefs which the Hon'ble Court may grant in the interest of the petitioner that may be deemed appropriate and necessary in this case."

2. In respect of aforementioned relief, petitioner has filed application on 20.02.2024 vide Annexure-P/2 (Series).

3. The District Magistrate, Muzaffarpur – Respondent is hereby directed to consider the petitioner's



application dated 20.02.2024 and proceed to pass a detailed speaking order and communicate the same within a period of two weeks from the date of receipt of this order.

4. Accordingly, the present writ petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	N.A
Uploading Date	23.04.2024
Transmission Date	NA

