

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17929 of 2023

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Azad Kumar, S/o Lalo Prasad Yadav, Resident of ward no. - 9, Chamgardh,
P.S. - Murliganj, District - Madhepura, State - Bihar.

... .. Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Excise and Prohibition Department, Bihar, Patna.
2. The Additional Chief Secretary, Excise Department, Govt. of Bihar, Patna.
3. The Excise Commissioner, Head Quarter Bihar, Patna.
4. District Magistrate, Madhepura.
5. The Superintendent of Police, Madhepura.
6. The Superintendent of Police Excise, Madhepura.

... .. Respondents.

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Appearance :

For the Petitioner : Mr. Adarsh Ranjan, Advocate.
For the State : Mr. Dhurjati K. Prasad, Government Pleader-14.

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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 : 08-01-2024

In the instant writ petition, the petitioner Azad
Kumar has prayed for the following relief(s).

- A. For issuance of an appropriate writ/writs,
order/orders in the nature of Mandamus
directing the respondents to release and
discharge the property from any charges
levelled on the Car Registration No.BR-
43-Q-6006 which has been wrongly
seized by Police in connection with
Madhepura Excise P.S. Case



No.405/2023 on dated 17.05.2023 registered for the offence under section 30(a) of Bihar Prohibition and Excise Act, 2018.

B. For issuance of any other relief/reliefs to which the petitioner is found entitled under the facts and circumstances of the present case.

2. The registered owner of the subject matter of motor vehicle bearing Registration No.BR-43-Q-6006 (Car) was one Vivek Kumar as is evident from Annexure-2. The petitioner Azad Kumar is stated to have purchased the aforementioned vehicle. However, as on the date of the alleged offence, documents of the subject matter of motor vehicle which stands in the name of Vivek Kumar has not been transferred in the name of the petitioner Azad Kumar. In such event, grievance of the petitioner Azad Kumar is required to be redressed through Vivek Kumar. In the event of filing of application under Rule 12A of the Bihar Prohibition and Excise Rules, 2021 read with amended Rules 2022 and 2023, the concerned authority is hereby directed to entertain the application to be filed by Vivek Kumar, if any. In other words, the present writ petition is not maintainable.

3. Accordingly, the present writ petition stands



disposed of reserving liberty to the petitioner Azad Kumar to invoke remedy through Vivek Kumar, the registered owner of the subject matter of the motor vehicle.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.01.2024.
Transmission Date	NA

