

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1082 of 2020

In
Civil Writ Jurisdiction Case No.7189 of 2020

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Rakesh Kumar Son of Sri Ram Sagar Singh, Resident of Village -
Kanchanpur, P.O. - Rajasan, P.S. - Bidupur, District - Vaishali (Owner of Pick
Up Van bearing No. BR31GA-3039.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise
and Prohibition Government of Bihar, Patna.
2. The Commissioner, Excise, Bihar, Patna.
3. The District Magistrate, Patna.
4. The Superintendent of Police, Patna.
5. The Officer in Charge, Patna City, P.S. - Chowk, District - Patna.

... .. Opposite Party/s

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(The proceedings of the Court are being conducted through Video
Conferencing and the Advocates joined the proceedings through Video
Conferencing from their residence.)

Appearance :

For the Petitioner/s : Mr.Madan Mohan Prasad, Adv
For the Opposite Party/s : Mr.Kumar Manish SC-5

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

2 23-12-2020 Heard parties.

This application has been filed by the petitioner for
modification in the judgment and order dated 26.08.2020 passed
in CWJC No. 7189 of 2020.

Petitioner had filed above writ petition against the
order dated 24.12.2019 passed by Confiscating Authority, Patna,
in Confiscation Case No. 2032 of 2018-19. Appeal preferred



against said order was dismissed by Appellate Authority by order dated 12.03.2020 passed in Appeal (Excise) No. 9 of 2020. Petitioner has approached this court against the order passed by Confiscating Officer as well as Appellate Authority without availing the statutory remedy of Revision before the Revisional Authority.

In view of the submission of learned counsel for the petitioner, the judgment and order dated 26.08.2020 passed in CWJC No. 7189 of 2020, is modified to the extent as under:-

Accordingly, this writ application is disposed of with a liberty to the petitioner to prefer revision within a period of 8 weeks along with an application for condonation of delay. If such revision, is filed by the petitioner, the revisional authority is expected to consider application for condonation of delay, in view of the fact, that the writ application of the petitioner was pending before this Court, and dispose of the revision petition within a period of ten weeks from the date of its filing.

Needless to say, in case the vehicle in question has not been auctioned sold till date, it will not be put on auction sale till the disposal of revision by the Revisional Authority, if so filed.



The modification application is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ranjan-Rajiv/-

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