

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9012 of 2020

=====

Avinash Kumar Mishra, Son of Nishi Kant Mishra, Resident of Ward No.-
29, Bailey Sarai, Police Station-Town, District -East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Patna.
2. The Commissioner Excise, Bihar, Patna.
3. The District Magistrate, Patna.
4. The Senior Superintendent of Police Patna.
5. The Senior Deputy Collector, Patna.
6. The Police Inspector-Cum-Officer-in-Charge, Kotwali Police Station, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra, Adv.
For the Respondent/s : Mr. Vivek Prasad, G.P. 7

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 08-12-2020

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

Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner has prayed for following reliefs:-

- i. A writ in the nature of certiorari or any appropriate writ, order or direction for quashing order dated 29.09.2020 passed in Excise Appeal Case No.



93/2020 passed by the Excise Commissioner, Bihar, Patna (Respondent No. 2) whereby and whereunder the appeal filed by the petitioner against the order dated 28.02.2020 passed in Confiscation Case No. 2853/2019-20 by the Senior Deputy Collector, Patna has been dismissed.

ii. A writ in the nature of certiorari or any other appropriate writ/order or direction for quashing of order dated 28.02.2020 passed in vehicle confiscation case no. 2853/2019-20, passed by the Senior Deputy Collector, Patna, whereby and whereunder Maruti Swift Car bearing registration No. BR05AD-8055 has been confiscated.

iii. A writ in the nature of mandamus or any other appropriate writ/order of direction directing the respondents to release Maruti Swift Car bearing registration No. BR 05AD-8055 in favour of the petitioner which was seized on 24.09.2019 in connection with Kotwali P.S. Case No. 865/2019 (Special Case No. 8556/2019).

iv. Any other appropriate writ/order or direction which his lordship may deem fit and proper.

Petitioner has filed this writ petition without exhausting the remedy of revision against the order as impugned.

The writ petition is disposed of with liberty to



petitioner to avail the statutory remedy of revision against the order as impugned before the Revisional Authority and, if any, such revision is filed within 30 days, the revisional authority shall condone the delay in filing the revision petition and shall decide the revision on merit within 60 days from the date of filing of such revision petition.

During pendency of revision petition, the vehicle shall not be auction sold.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.12.2020
Transmission Date	NA

