

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9050 of 2020

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Jitendra Sah S/o Bahor Sah R/o- Badi Sankh Bari, PS- Muffasil, District Begusarai. At present - R/o House of Amilal Dhantoth, Khalpara Road, PS- Siliguri, District Darjeeling, State- West Bengal.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Excise Department, Government of Bihar, New Secretariat, Patna.
2. The Excise Commissioner, Prohibition, Excise and Registration Department, Government of Bihar, New Secretariat, Patna.
3. The District Magistrate-cum-Collector, Purnia.
4. The Superintendent of Police, Purnia.
5. The Excise Superintendent, Purnia.
6. The Sub-Inspector, Purnia, Department of Excise, District- Purnia.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Daya Shankar Prasad Sinha, Advocate
For the Respondent/s : Mr. Vikash Kumar, SC 11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

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

Date : 15-12-2020

Heard the parties.

Petitioner has prayed for following reliefs:-

“(i) To quash order dated 25.02.2020 passed in Excise Case No.78/2020 by learned Collector, Purnia whereby and whereunder the order of confiscation of



four wheeler vehicle of petitioner has been made. The vehicle bears registration No.WB73E7061, Chassis No.MAIZU2TBKJ1E45331, Engine No.TBJ1E54088.

(ii) To release the four wheeler vehicle Goods carrier bearing registration No.WB73E7061, Chassis No.MA1ZU2TBKJ1E45331, Engine No.TBJ1E54088 standing in the name of petitioner who is its bona fide owner and same has been seized in connection with (Purnia) Case No.348/2019 dated 17.11.2019 instituted u/s 30(a) of the Bihar Excise & Prohibition (Amendment) Act, 2018 by respondent no.6 and same is kept in open space of said PS in uncared condition. Aforesaid criminal case is at present pending in the learned court of Special Judge (Excise), Purnia.

(iii) To restrain respondents to proceed with the auction of the aforesaid vehicle.

(iv) Any other relief for which petitioner is entitled.”

Petitioner has filed this writ petition without exhausting the statutory remedy of appeal / revision against the order dated 25.2.2020 passed by District Collector, Purnia in Excise Case No.78/2020, as such, writ petition is disposed of with liberty to petitioner to file appeal within four weeks before the appellate authority against the order, as impugned, and if any such appeal is filed, the appellate authority shall condone the delay in filing the appeal and shall decide the appeal on merit within 60 days



from the date of its filing.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

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

