

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9014 of 2020

Prabhash Kumar, son of Sudhir Singh, resident of East Karryanand Nagar, Dhamraichak, Mohanpur, P.S.- Piribazar, District- Lakhisarai at present resides at Manju Kutir, New Weeker Section- 16, Kankarbagh, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise Department, Govt. of Bihar, Patna.
2. The Excise Commissioner, Govt. of Bihar, Patna.
3. The District Magistrate, Patna.
4. The Superintendent of Police, Patna.
5. The S.H.O. Patliputra Station.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Karn, Adv.
For the Respondent/s : Mr. Vikash Kumar, S.C. 11

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) “For issuance of appropriate order/writ direction in the nature of certiorary commanding the respondents to quash the order passed in Excise Appeal Case No. 57/2020 dated



03.09.2020, passed by the learned Excise Commissioner, Bihar, Patna whereby and whereunder learned Commissioner has been pleased to dismiss the appeal and confirmed the order dated 11.02.2010 passed by the learned Collector, Patna, whereby the vehicle in question namely RENAULT KWID CAR, Registration No. BR01TH-8035 has been confiscated and directed to be sold through auction.

(ii) Further to quash the order passed by learned Collector in Confiscation Case No. 1720/2019-20 dated 11.02.2020 whereby and whereunder learned Collector-cum-Magistrate, Patna has been pleased to confiscated the Renault Car bearing Registration No. BR01PH-8035 and ordered to auction the same and deposit the money in State Treasury for alleged recovery of one 180 ml. Royal Challenge English Liquor from the car.

(iii) Further for issue direction to release the vehicle (Car) No. BR01PH-8035 in favour of the petitioner.

(iv) Further for issuance of other order/direction to which the petitioner is found to be entitled too in the facts and circumstances of the case.”

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)

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

