

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4129 of 2021

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Pappu Giri @ Pappu Kumar Giri, Son of Kishor Giri, Resident of Village-Bhrehawa, Police Station-Runnisaidpur, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
3. The Collector-cum-District Magistrate, Sitamarhi.
4. The Superintendent of Excise, Sitamarhi.

... .. Respondent/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.Pushpendra Kumar Singh, Adv
For the Respondent/s : Mr. Vivek Prasad GP-7

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 04-05-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“For issue an appropriate writ in the nature of certiorari setting aside the order dated 10.02.2020 passed in confiscation case no. 555 of 2019 by the learned Collector, Sitamarhi, as contained in Annexure-”4”, whereby and whereunder in contemplation of proceeding of confiscation under section 58 of the Bihar Prohibition of Excise Act, the



learned collector in mechanical manner without proper service of notice to the petitioner, who is bonafide owner of the Honda Splendor Motorcycle, bearing Registration Number BR 06CA 0757, Chassis No. MBLJHAW082KHF17977, Engine No. HA10AGKHF27137, passed the ex parte order and confiscating the vehicle which is not proper in the eye of law.

(ii) For setting aside the appellate order dated 29.09.2020 passed in Excise Appeal Case No. 94 of 2020 by learned Excise Commissioner, Bihar, Patna, as contained in Annexure-”5”, whereby and where under the appeal proffered by the has illegally been rejected and order of confiscation of the vehicle in question has illegally been affirmed without considering the points raised for consideration in the memo of appeal.”

Petitioner has approached this Court without availing the statutory remedy of revision against the impugned appellate order, as such, liberty is granted to petitioner to file revision against the appellate order before the Revisional Authority and if any such Revision is filed within 8 weeks, then Revisional Authority shall condone the delay in filing the revision petition and shall decide the revision petition preferably within 8 weeks from the date of its filing on its own merit.

During pendency of revision petition, confiscated



property shall not be auction sold, if nor already auction sold.

With aforesaid liberty, the writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

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

