

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 5355 of 2021

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Shew Kumar Choudhary @ Shew Kumar Chudhary, S/o- Late R.R. Choudhary @ Ram Raj Choudhary, R/o- Dairy Firm, Gondalpara Chandan Nagar, Hoogly, P.S.- Chandan Nagar, District- Hoogly, West Bengal.

... .. Petitioner/s

Versus

1. The State of Bihar through the Excise Commissioner Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The Collector Cum District Magistrate, Nalanda at Biharsharif.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Uma Shankar Singh, Advocate Mr. Dheeraj Kumar, Advocate
For the Respondent/s	:	Mr. Vivek Prasad, G.P. 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 : 24-05-2021

Heard the parties.

Petitioner has prayed for following reliefs:-

“(i) For the issuance of an appropriate writ to quash the order dated 31.01.2020 passed by the respondent no. 3 in Confiscation (Excise) Case No. 165/2019 arising out of Excise Case No. 178C3EX/2019 dated 19.06.2019 registered U/s 30(a) and 56(b) of the Bihar Prohibition and Excise Act, 2018 whereby a Maruti Car (ERTIGA) bearing Reg. No. WB16-AT-2677 of the petitioner has been confiscated illegally. (Order dated 31.01.2020) is contained in



Annexure-1).

(ii) For the issuance of an appropriate writ direction to respondent nos. 2 and 3 to release the vehicle of the petitioner in his favour which bearing Reg. No. WB16AT/2677 which subject of confiscation.

(iii) For the issuance of an appropriate writ to quash the order dated 18.12.2020 in Excise Appeal No. 113/2020 passed by respondent no. 2 whereby the learned Appellate Authority has illegally dismissed the appeal preferred by the writ petitioner against the order of respondent no. 3 dated 31.01.2020 and has been pleased to confirm the same. (order dated 18.12.2020) is contained in Annexure-2.

(iv) For the issuance of any other appropriate writ/order/direction as your lordships may deem fit and proper for the ends of Justice or for the grant of interim relief.”

It is submitted on behalf of counsel for the State that petitioner has approached this Court without exhausting his statutory remedy of revision against the order of appellate authority passed in Excise Appeal No. 113 of 2020 in Confiscation (Excise) Case No. 165/2019 arising out of Excise Case No. 178C3EX/2019 passed by Confiscating Authority.

The writ petition is disposed of with liberty to petitioner to avail his statutory remedy of revision against the



order passed by the appellate authority and, if any, such revision is filed by the petitioner within eight weeks, the appellate authority shall condone the delay in filing revision petition and decide the revision petition on merits preferably within eight weeks from the date of its filing.

The writ petition is accordingly disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

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

