

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5594 of 2021

=====

Santosh Kumar, Son of Shri Lakhi Rajak, Resident of Village- Dan Nagar,
Ward No.- 6, Police Station and District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration, Excise and Prohibition, Government of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Collector, cum- District Magistrate, Jamui.
4. The State of Bihar through the Director General of Police, Bihar.
5. The Superintendent of Police Station, District- Jamui.
6. The S.H.O. of Chakai Police Station, District- Jamui.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Amar Anand, Advocate Mr. Arun Kumar Tiwary, Advocate Mr. Prashanti Kumari, Advocate
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 : 25-05-2021

Heard the parties.

Petitioner has prayed for following relief(s):-

“For issuance of direction/directions, order or orders commanding upon the respondents to set aside the orders of Excise Commissioner, Bihar, Patna in appeal no. 167 of 2020, against confiscation order of the vehicle of the petitioner vide Hyundai i10 four wheeler Engine No.- G4LAHM-



524326 and Chassis No. MALA-851CLHM684349 which has been seized by the Chakai P.S. Police District- Jamui in connection with F.I.R. No. 35/18 dated 17.03.2018 G.R. No. 800/18 J.M., Jamui which has been instituted on the basis of written report of Ram Prakash Ram A.S.I. Chakai P.S. U/s 273/34 I.P.C. 30(a) Bihar Excise Act, 2016. The appeal has been filed before the Excise Commissioner, Bihar Patna in Jamui Confiscation Case No. 99/2018 of the District Magistrate cum-Collector, Jamui who has passed the order dated 08.11.2019 to confiscate the above said vehicle which has been challenged in the appellate court of Excise Commissioner, Bihar, Patna vide Appeal Case No. 167 of 2020 and dismissed the appeal on 22.12.2020.

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 not already auction sold.

With aforesaid liberty, the writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

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

