

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5625 of 2021

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Rajiv Kumar Singh @ Rajeev Kumar Singh S/o- Krishna Singh Resident of
Mohalla- New Area Ward No. 34 Sasaram, P.S.- Sasaram, District- Rohtas at
Sasaram.

... .. 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 Kaimur at Bhabua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Uma Shankar Singh, 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 : 26-05-2021

Heard learned counsel for the parties.

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

(I) For issuance of an appropriate writ to
quash the order dated 2.6.2020 passed by respondent
no.3 in confiscation case no.51 / 2020 arising out of
Mohaniya P.S. Case No. 28/2020 dated 30.1.2020
registered u/s 30(a)/37(1)(2) of Bihar Prohibition and
Excise Act, 2017 whereby the learned Collector has
been pleased to confiscate the Baleno car of



petitioner bearing Reg. No. JH-01DL-5837 seized in above said Mohaniya P.S. Case No. 28/20 and the subject matter of confiscation in confiscation case no.51/2020. (order dated 2.6.2020 contained in Annexure2)

(ii) For issuance of an appropriate writ to quash the order dated 21.12.2020 passed by respondent no.2 in Excise Appeal No.55/2020 whereby the learned Commissioner has been pleased to dismiss the appeal preferred by the petitioner against the order of respondent no.3 dated 2.6.2020 and has been further pleased to confirm the same.

(iii) for issuance of an appropriate writ direction to respondents to release the vehicle of the petitioner bearing Reg. No. JH01DL-5837 (Baleno Car) in his favour.

(iv) For issuance of an appropriate writ direction as your Lordships may deem fit and proper for the ends of justice and for the release of vehicle in question by way of interim relief. ”

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 vehicle shall not be auction sold, if not auction sold.

With aforesaid liberty, the writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

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

