

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6467 of 2021

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Raj Kumar Sah son of Lakhmee Sah R/o mohalla-Shahganj Benta Ahila, PS-Benta, DMC (Laheriasarai), District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The Collector Cum District Magistrate Darbhanga
3. The S.P. Excise Department, Darbhanga
4. The Superintendent of Police Darbhanga
5. The Station Head Officer, Police Station-Benta DMC, Laheriasarai
6. Sanjay Kumar Excise Nirakchak Birauli Sub-division, Darbhanga

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Baidya Nath Prasad, Advocate
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)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 03-06-2021

Heard learned counsel for the parties.

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

“ Direction to the respondents authority to release the petitioner T.V.S. Jupiter two wheeler 122 C.C.



Scooty bearing registration no.07AF-0650, Engine No.EG4GJ1X18596 and Chasis No.MD62EG48J3G80416 which has been seized in connection with Biraul P.R. Case No.11of 2019 for the offence alleged to have been committed u/s 30(a) of the Bihar Prohibition and Excise Act 2018 and confiscation order has been passed without considering the facts and circumstances of the case even without considering the direction given by this Hon'ble Court in C.W.J.C. No,15922 of 2019.

(ii) That granting any others relief/reliefs for which the petitioners may be found entitled too.”

Petitioner has approached this Court without availing the statutory remedy of revision against the impugned appellate order dated 22.12.2020 (Annexure 5) affirming order dated 7.1.2020 (Annexure 4) passed by Confiscating Officer, Darbhanga, 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 already 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	04.06.2021
Transmission Date	NA

