

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7352 of 2021

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Om Prakash Shah S/o Ram Chandra Shah @ Ram Chandra Prasad Resident of village - Bangawn, Tola - Jamuan Ghat P.S. - Vishunpurwa, District-Kushinagar (UP).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal secretary, Government of Bihar, Excise department, Patna.
2. Collector Cum District Magistrate, West Champaran at Betiha.
3. Senior Superintendent of Police, West Champaran at Betiha.
4. Excise Superintendent, West Champaran at Betiha.
5. Officer-in-charge, Chautarwa Police Station, West Champaran at Betiha.

... .. 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.Sanjay Kumar @ S.K., Adv
For the Respondent/s : Mr.Kumar Manish (SC5)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-06-2021

Heard learned counsel for the parties.

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

“That the present writ application for issuance of an appropriate writ/writs, order/orders specially in the nature of “certiorari” is being filed on behalf of the petitioner under civil writ jurisdiction that your lordships be pleased to set aside the order dated 11.01.2021, passed by learned



Excise Commissioner, Bihar, Patna, in Excise Appeal No. 45 of 2019 by which learned Excise Commissioner, Bihar, Patna, dismissed the said appeal and upheld the confiscation order dated 19.07.2019, passed by learned Collector cum District Magistrate, West Champaran, at Betiha in connection with Case No. CRM-567 of 2019-19 arising out from Chautarwa PS Case No. 139/18 u/s 30(a) Bihar Prohibition & Excise Act, 2016, whereby learned said District Magistrate was directed to adopt the execution of an auction proceeding of the seized BOLERO vehicle, bearing registration no. UP51AC8147, ENGINE NO. GPF4K84131, CHASSIS NO. MAIPL2GPKF5K31230 and further be pleased to make direction for release of aforesaid vehicle in favour of the petitioner and for any other relief/reliefs to which the petitioner may be entitled to in the facts & circumstances of the cases.”

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)

ranjan/-

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

