

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7380 of 2021

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Ram Pravesh Yadav Son of Late Lalu Yadav Resident of High Court Colony
Brahmpur Bazar, P.O. and P.S.-Phulwari Sharif, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Govt. of Bihar, Patna.
2. The Commissioner, Excise Department,
3. The Assistant Commissioner, Bihar, Patna Excise District at Patna.
4. The District Magistrate, Patna, District at Patna.
5. The Senior Superintendent of Police District at Patna.
6. The Senior Deputy Collector, Patna.
7. The Sub Divisional Office at Patna City District at Patna.
8. The Station House Officer, Daniyawa, District at Patna.
9. The District Transport Officer, District at Patna.

... .. 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. Jainendra Kumar Pushkar, Adv
For the Respondent/s : Mr. Vikash Kumar (SC11)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 22-06-2021

Heard learned counsel for the parties.

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

“I. That this is an application for quashing
of the order dated 22.12.2020 Annexure-4 by the



Commissioner, Excise, Bihar, Patna, whereby the learned Commissioner by dismissing the appeal, affirmed the confiscation order of the Respondent no. 4 in confiscation case no. 2807 of 2019-20. Senior Deputy Collector, Patna, who passed the order of confiscation of the vehicle concerned of the petitioner which has been illegally seized and kept in abandoned condition in connection with Daniyawa PS Case No. 196 of 2019 dated 05.12.2019 of the office u/s 30(a) (F) 37(b) Bihar Prohibition and Excise (amended) Act, 2018.

II. For a direction to the respondent no. 4 to consider the confiscation case no. 2807 of 2019-20 and release the vehicle in question which was not used in transporting of liquor in any way.”

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

