

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6436 of 2021

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Devanand Kumar @ Devanand Ray, son of Krishna Gopal Ray, Resident of Village- Jahangirpur, Bypass, P.S.- Sonapur, District- Chapra, presently residing at near Ford Hospital, 90 Feet Road, P.S.- Ram Krishna Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Patna.
4. The Excise Deputy Commissioner, Patna.
5. The Superintendent of Police, (West), Patna, District- Patna.
6. The Excise Superintendent of Police, Patna,
7. The S.H.O., Digha Police Station, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh, Advocate
For the Respondent/s : Mr. Kumar Manish, S.C. 5

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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 : 02-06-2021

Heard the parties.

Petitioner has prayed for following relief(s):-

- (i) “For quashing the order dated 21.12.2020 passed by the Commissioner, Excise, Bihar, Patna and communicated vide letter no. Appeal Case No. 151/2020-78, Patna dated 27.01.2021



communicated to the Collector, Patna/S.S.P., Nalanda/Assistant Commissioner, Excise, Patna for information and needful action as well as confiscation order dated 31.12.2019 passed the confiscation case no. 916/2019-20 (State Versus Devanand Kumar 7 Others) by the Collector and District Magistrate, Patna in connection with Digha P.S. Case No. 74/2019 dated 05.02.2019.

(ii) For direction/order to the authority concerned to release the confiscated Bullet Motorcycle having registration no. BRO-1DZ-5204 seized in connection with Digha P.S. Case No. 74/2019 dated 05.02.2019.

(iii) For other relief/reliefs as his lordships may be deem fit and proper.”

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 auction sold.

With aforesaid liberty, the writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

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

