

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6567 of 2021

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Suman Kumar Singh, Son of Ashok Kumar Singh, Resident of Village -
Pratappur, P.S. - Sandesh, District - Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Bihar Prohibition and Excise Department, Bihar, Patna.
2. The Commissioner Excise, Bihar, Patna.
3. The Excise Officer, Bihar Prohibition and Excise Department, Bihar.
4. The District Magistrate, Buxar.
5. The Superintendent of Police, Buxar.
6. The Officer-in-charge, of Veer Kuar Singh, Excise Check Post at Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Raju Kumar, Mr. Pradhan Murli, Mr. Manohar Prasad, Mr. Sunil Kumar Mishra, Mr. Dheeraj Kumar, Advocates
For the Respondent/s	:	Mr.Vikash Kumar (SC-11)

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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.)

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

Date : 03-06-2021

Heard learned counsel for the parties.

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

“ (i) To issue a writ in the nature of Certiorari for



quashing the order dated 19.01.2021 passed by the Excise Commissioner, Bhiar Patna in Excise Appeal No. 205 of 2020.

(ii) To issue a writ in the nature of certiorari for quashing the order dated 25.09.2020 passed by the Collector, Buxar in Confiscation Case No. 08 of 2020 arising out of Excise Case No. 237(O)/19 under section 30(a), 37(c) & 37(2) of the Bihar Excise and Prohibition (Amendment) Act 2018 whereby and whereunder he has confiscated the white colour Scorpio vide Reg. No. BR-01PK-6677 under the purported exercise of powers conferred under section 58(5) of the New Excise Act, 2016 and directed for public auction in the public interest and further stay the operation of auction proceeding issued by the office of District Magistrate, Buxar and release the same in favour of the petitioner.

(iii) Any other relief/s to which the petitioners are entitled in the facts and circumstances of the case.”

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

