

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7334 of 2021

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Najir Hussain Son of Shal Mohammad, Resident of Village-Oralhiya, Ward
no. 03, Police Station-Sahiyara, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
3. The Collector-Cum-District Magistrate, Sitamarhi.
4. The Superintendent of Excise, Sitamarhi.

... .. 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.Pushpendra Kumar Singh, Adv
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)

Date : 24-06-2021

Heard learned counsel for the parties.

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

“(i) For issue an appropriate writ in the nature of Certiorari setting aside the order dated 06.07.2020 passed in confiscation case no. 162 of 2020 by the learned Collector, Sitamarhi, as contained in Annexure- "3", whereby and where under in contemplation of proceeding of confiscation under section 58 of the Bihar prohibition of Excise Act,



the learned collector in mechanical manner without proper service of notice to the petitioner, who is bona fide owner of the Splendor Motor-Cycle bearing Registration Number BR 30T 8154, Chassis No. MBLHAR078JHD39354, Engine No. HA10AGJHD50590 which has been seized by the police officials under C-2 case no. 773/2019 dated 26.12.2019 instituted for the offence under section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2016.

ii) For setting aside the appellate order dated 22.01.2021 passed in Excise Appeal Case No, 03 of 2021 by learned Excise Commissioner, Bihar, Patna, as Contained in Annexure “4”, whereby and where under the appeal proffered by the has illegally been rejected and order of confiscation of the vehicle in question has illegally been affirmed without considering the points raised for consideration in the memo of appeal.

(ii) For release of the vehicle in question on fixed surety by this Hon'ble Court, during pendency of the present writ application.”

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	26.04.2021
Transmission Date	NA

