

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7022 of 2021

Afjal Anasari, Son of Amir Hamja Ansari, Resident of village- Mahdaich,
P.s.- Chand, District- Kaimuar at Bhabhua.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary of the Excise Department, Bihar at Patna.
2. The District Magistrate, Kaimuar at Bhabua.
3. The Superintendent of Police, Kaimur at Bhabua.
4. The Superintendent of Excise, Kaimuar at Bhabua
5. The Investigating Officer of police station Chand, District- Kaimuar at Bhabua.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey, Advocate
For the Respondent/s : Mr. Vikash Kumar, SC 11

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 : 19-07-2021

Heard learned counsel for the parties.

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

(I) To issue an appropriate writ, order or directions including a writ in the nature of certiorari to setting aside the order dated 22-12-2020 passed in Excise Appeal Case No.181 of 2020 (Afjal Ansari Vs. the Court of Collector cum District Magistrate, kaimur at Bhabua and others) as passed by the learned court of Excise Commissioner, Patna Bihar by which the learned Excise Commissioner Bihar Patna has dismissed the appeal and has confirmed the order dated 27.08.2020 as passed by the learned court of Collector cum District Magistrate, kaimur at Bhabua in confiscation case No.158 of 2020.

(ii) Issuance a writ order or direction including a writ in the nature of mandamus commanding the respondents to release the seized vehicle bearing its UP67Y-8345 (Apache Motorcycle) arising out of Chand P.S. Case No. 66 of 2020.



- (iii) To issue an appropriate writ / order / direction directing the respondents not to take any coercive measures against the petitioner.
- (iv) and / or other writ order or direction may be issued in which the petitioner is entitled to.”

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 4 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 / vehicle 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)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.07.2021
Transmission Date	NA

