

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8830 of 2021

Chandan Kumar Pandey Son of Ramanandan Panday Resident of Village -
Jairampur, P.O. Teus, P.S. - Sheikhpura, District- Sheikhpura, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary Excise Department, Bihar, Patna.
2. The Commissioner (Excise), New Secretariat, Patna.
3. The Collector cum - District Magistrate, Nalanda, Bihar Sharif.
4. The Auctionner- cum - SDO, Hilsa, Nalanda, Bihar Sharif.
5. The Officer in-charge, Parwalpur, Police station, Nalanda.

... .. Respondent/s

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice /Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences /offices.)

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Singh, Adv Mr. Dharmendra Kr Paswan, Adv
For the Respondent/s	:	Mr. Kumar Manish (Sc5)

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

Date : 01-07-2021

Heard learned counsel for the parties.

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

“(i) Quashing the public auction dated 06.01.2021 of the petitioner's Mahindra Bolero vehicle bearing Registration NO. BR 27E 6927, Engine No. GHF4C64054, Chasis No. MA1XA2GHKF5D44207, seized in connection with Parwalpur PS Case No. 306 of 2019 which is subject matter of vehicle Release (Excise) Case No. 156 of 2020 pending before the Respondent No. 2.

(ii) Issuance of writ in the nature of mandamus against the Respondent No. 3 & 5 for auctioning the vehicle of the petitioner during pendency of Vehicle Release Appeal (Excise) Case No. 156 of 2020, before the Respondent no. 2.

(iii) Direction upon the Respondent No. 2 & 3 for



disposing the petition dated 30.12.2020 and 18.01.21 filed by the petitioner.”
It is submitted by learned counsel for the petitioner that during pendency of his appeal before Excise Commissioner, his confiscated vehicle has already been auction sold.

The original owner of the vehicle has right of repurchase of vehicle on the highest auction price, and if any such option, is exercised by the petitioner to repurchase his vehicle on the highest bid amount, authorities shall permit him to repurchase the vehicle, on the said auction amount.

This order is subject to any decision passed by the Revisional Authority.

Petitioner is also entitled to file revision against the order passed by the Appellate Authority.

With the aforesaid observation and direction, writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

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

