

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6556 of 2021

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Vikash Kumar, son of Krishna Prasad, Resident of Village-Shivhari, Ward No. 6, P.S.-Pupri, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner (Excise), Bihar, Patna.
2. The District Magistrate, Sitamarhi.
3. The Superintendent of Police, Sitamarhi.
4. The Excise Superintendent, Excise Department, Sitamarhi.
5. The Sub-Inspector, Excise, Sitamarhi.
6. The Officer-in-charge, Pupri, Dist. Sitamarhi.
7. The Sub-Inspector, Pupri, District Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar &
Mr. Surendra Kishore Thakur, Advocates

For the Respondent/s : Mr. Kumar Manish (SC-5)

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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) For issuance of writ in the nature of certiorari or quashing the order dated 18.01.2021 passed by the Commissioner (Excise), Bihar, Patna in Excise Appeal No. 170/2020 whereby the Commissioner (Excise), Bihar, Patna has dismissed the appeal upholding the order passed by the Collector, Sitamarhi confiscating the alleged vehicle bearing Registration No. BR06BW-5234 Maruti Baleno Car without considering that the search and seizure was not in accordance with provision of section 100 Cr. P.C.
- (ii) For further direction to the Respondent authorities to



release the vehicle bearing Registration No. BR06BW-5234 in favour of the petitioner who is the registered owner.
(iii) And for any other relief/reliefs for which the petitioner is fount to be entitled in the eye of law.”

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

