

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7570 of 2021

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Chandan Kumar son of Narayan Prasad Gupta resident of Ward No. 21,
Chitragupta Nagar, P.O. and P.S. Araria, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate - cum - Collector, Kishanganj, District- Kishanganj.
4. The Superintendent of Police, Kishanganj, District- Kishanganj.
5. The Excise Superintendent, Kishanganj, District- Kishanganj.
6. The District Transport Officer, Kishanganj, District- Kishanganj.
7. The Sub-Divisional Officer, Kishanganj, District- Kishanganj.
8. The Station Head Officer, Kishanganj Police- Station, District- Kishanganj.

... .. 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.Alok Kumar Alok, Adv
For the Respondent/s : Mr. Kumar Manish SC-5

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

Date : 21-06-2021

Heard learned counsel for the parties.

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

“I. For issuance of an appropriate writ in the nature of CERTIORARI for quashing the order dated 18.12.2020 passed by the Respondent no. 2 in Excise Appeal Case No. 134 of 2020, whereby and whereunder he has been pleased to dismiss the appeal filed by the petitioner and affirm the order dated 13.02.2020 passed by the Respondent no. 3 in Confiscation Case No. 183 of 2019 arising out of



Kishanganj PS Case No. 360 of 2019.

II. For issuance of an appropriate writ in the nature of CERTIORARI for quashing the order dated 13.02.2020 passed by the Respondent no. 3 in Confiscation Case No. 183 of 2019 arising out of Kishanganj PS Case No. 360 of 2019, whereby and whereunder he was pleased to confiscate the Pulsor Motorcycle of the petitioner bearing Reg. No. BR38U0986 and directed the respondent no. 6 to submit the minimum valuation report of vehicle to the respondent no. 5 as also directed the respondent no. 5 to ensure to deposit the amount in Treasury through challan after selling it through open bid in accordance with law.

III. For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities to release the Pulsor Motorcycle bearing Reg. N. BR-38U-0986 in favour of the petitioner which was illegally seized in connection with Kishanganj PS Case No. 360 of 2019 interalia on the ground that there is no recovery from the conscious possession of the petitioner.”

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	
Transmission Date	NA

