

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7317 of 2021

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Pradeep Kumar Singh alias Pradeep Singh, son of Subedar Singh, Resident of
Village-Pirauntha, P.O.-Ramchandra Nagar, P.S.-Fesar, District-Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise and Prohibition and Registration Department, Govt. of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate-cum-Collector, Gaya.
4. The Superintendent of Police, Bihar, Gaya.
5. The officer in charge, Police Station, Guraul, District Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Vijaya Laxmi Srivastwa, Mr. Madhusudan Rai, Advocates
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)

**(The proceedings of the Court are being conducted through
Video Conferencing and the Advocates joined the proceedings
through Video Conferencing from their residence.)**

Date : 08-07-2021

Heard learned counsel for the parties.

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

“(I) For issuance of a writ in the nature of
certiorari quashing the order dated 19.01.2021 passed in
Excise Appeal No.165/2020 issued by the Commissioner,
Bihar Prohibition and Excise Department, Patna whereby
and whereunder the Commissioner has rejected the appeal



filed by the petitioner, which is illegal, arbitrary and not sustainable in the eyes of law.

(ii) For issuance of writ in the nature of certiorari for quashing the order dated 21.01.2020 passed by the District Magistrate, Gaya in Confiscation Case No.229/2019 by which the District Magistrate has been pleased to confiscate to pick up van vide Registration No. BR 02 W- 8872.

(iii) To pass interim / ex parte ad interim reliefs during the pendency of the present writ application staying the operation of the order dated 21.01.2020 passed by the District Magistrate, Gaya in Confiscation Case No.229/2019.

(iv) To any other relief / reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case.”

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	09.07.2021
Transmission Date	NA

