

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8171 of 2021

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Uttam Kumar S/o Late Ishwari Singh R/o Mohalla- Near Patna Dairy Project
Fulwari Sharif, P.S.- Fulwari Sharif, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Bihar Patna. New Secretariat. Bailey Road.
2. The Excise Commissioner, Bihar, Patna, New Secretariat, Bihar, Patna.
3. The Divisional Commissioner, Excise Department, Purnea.
4. The District Magistrate, Purnea.
5. The Superintendent of Police, Purnea.
6. The Station House Officer, Dalkola, Purnea.
7. The A.S.I., Excise Arm Forces, Purnea.

... .. 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. Ram Shankar Das, Adv.
For the Respondent/s : Mr. Kumar Manish (Sc5)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 24-06-2021

Heard the parties.

Petitioner has prayed for following relief(s):-

“i. To Quash the order dt. 13.03.2020 passed in Excise Case No. 54 of 2020 whereby the learned Collector, Purnea without perusing the show-cause filed by the petitioner and without perusing the records passed the order by saying that the material was kept for transportation whenever no

transportation was made from one place to another place.

ii. To quash the order dt. 23.09.2020 passed in Appeal Case No. 66 of 2020 whereby the learned Excise Commissioner, Bihar Patna rejected the Appeal without perusing the material available on records by conforming the order of Collector whenever the order of confiscation is unjust, improper otherwise bad in law. So that the petitioner is challenging both the orders in question.

iii. To direct the Respondents authority to release forthwith the vehicle private car Skoda Octiva, bearing its registration No. BR01CE0009 having Engine No. CJS094950 and Chesis No. TMBBDCNE9FA006448 to the petitioner which has been seized in C.I. Case No. 256 of 2019 and pending in the Court of Sub-judge Excise Act, Purnea, in C.I. Case No. 256 of 2019, which has been kept in Purnea and seizure list was prepared on 03.09.2019 by the A.S.I. Excise, Purnea.”

It is submitted on behalf of learned counsel for the state that this petition has been filed against the order passed by the Excise Commissioner, who is the Appellate Authority and petitioner has not exhausted the remedy of revision against the said order.

The writ petition is disposed of with liberty to the

petitioner to file a revision petition against the order passed by the Appellate Authority and, if any, such revision is filed within a period of four weeks, revisional authority shall condone the delay and decide the revision petition within eight weeks on merit.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sushma/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25-6-2021
Transmission Date	NA