

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7760 of 2021

=====

Nisha Devi, Wife of Sambhu Sharan Roy, Resident of Village-Saidpur, P.S.-
Gopalpur, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Director General of Police, Government of Bihar, Patna.
2. The Director General of Police Government of Bihar, Patna.
3. The Commissioner Excise Dept. Govt. of Bihar, Patna.
4. The Collector, Purnea, District-Purnea.
5. The Excise Superintendent, Purnea, District-Purnea.
6. The Officer-in-Charge, Dagarua, District-Purnea.
7. Md. Imtiyaj, son of Mojirbur Rahiman, Resident of Village-Muuzaffar Ahmad Nagar, P.S.-Sahyam Kharanchi, District-Purnea.

... .. Respondent/s

=====

(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.Sharda Nand Mishra, Adv Mr. Dhananjay Kumar Gupta, Advocates Mr. Rajiv Ranjan, Adv
For the Respondent/s	:	Mr.Vikash SC-11

=====

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

Date : 28-06-2021

Heard learned counsel for the parties.

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

“i. For quashing the order dated 19.01.2021 passed by Respondent Excise Commissioner, Bihar, Patna, on Excise Appeal No. 223 of 2020 by which rejected appeal and affirm the order dated 20.10.2020 passed by Collector, Purnea in Confiscation Case No. 302 of 2020 without considering the case of the

petitioner.

ii. For quashing the order dated 20.10.2020 passed by Collector, Purnea in Excise Case No. 302 of 2020 (arising out of Dagarua PS Case No. 32 of 2020) by which confiscate the Scorpio bearing Registration No. BR 01PB 0644 and directed to the Excise Superintendent, Purnea to make auction of the vehicle of the Appeal without giving any due opportunity to the petitioner.

iii. For quashing the letter bearing Memo No. 1627 dated 08.12.2020 (So far petitioner concern) by which issue direction to Director, Information and Public Relation Department, Government of Bihar, Patna for publishing the General Notice for auction of the vehicle Scorpio bearing Registration No. BR10PB 0644 during the pendency of the Excise Appeal No. 223 of 2020 before Excise Commissioner, Bihar, Patna

iv. Further quashing the letter memo no. 142 dated 13.01.2021 issued by Excise Superintendent, Purnea, District Purnea to Officer in Charge, Dagarua, District Purnea by which directed to release the Scorpio bearing BR10 PB 0644 to the name of Respondent No. 7 as allotted on the basis of auction dated 05.01.2020 without notice to the petitioner and during the pendency of the Excise Appeal No. 223 of 2020 before Excise Commissioner, Bihar, Patna .”

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