

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7907 of 2021

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Rani Devi, Wife of Sri Nirbhay Singh, Resident of Village-Maranga Petrol Pump Milki Naya Tola, P.S.-K. Hat (Maranga), District-Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition, Government of Bihar, Patna.
2. The Commissioner, Excise, Government of Bihar, Patna.
3. The District Magistrate-cum-Collector, Purnea.
4. The Superintendent of Police, Purnea.
5. The Officer-in-Charge of K. at (Maranga) Police Station, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate
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)

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

Date : 24-06-2021

Heard learned counsel for the parties.

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

“This is an application for setting aside the order dated 18.01.2021 (Annexure-4) passed by the learned Commissioner Excise, Government of Bihar, Patna (respondent no.2) in connection with Excise Appeal No.137 of 2020 and also setting aside the order dated 15.09.2020 (Annexure 3) passed by the learned District Magistrate-cum-Collector, Purnea in Excise



Case No.279 of 2020 whereby and whereunder the learned District Magistrate-cum-Collector, Purnea (respondent no.4) has confiscated the Maruti Car Alto 800 VXI (Maruti Suzuki) bearing registration Number BR11AJ/9513, Chassis Number MA3EUAS1S00D56882 and Engine Number F8DN6113365 and learned Commissioner Excise, Government of Bihar, Patna was also affirm the order passed by the learned District Magistrate-cum-Collector, Purnea, which have been illegally and deliberately seized by the K. Hat (Maranga) police pursuant to K. Hat (Maranga) P.S. Case No. 289 of 2020 dated 15.06.2020 registered punishable offence under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition of Excise Act 2016, it is also prayed that issuance of mandamus directing and commanding the respondent authorities to release the four wheeler Maruti Car Alto 800 VXI (Maruti Suzuki) bearing Registration Number BR 11 AJ/9513, Chassis Number MA3EUAS1S00D56882 and Engine Number F8DN6113365 in favour of petitioner and the petitioner also prays for any other relief or reliefs for which he is legally entitled to, on the peculiar facts and circumstances in this petition.”

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	25.06.2021
Transmission Date	NA

