

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9295 of 2021

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RasPal Singh S/o Hardeep Singh, resident of Gurunanak Sarani, Siliguri,
District - Dargiling.

... .. Petitioner/s

Versus

1. The State of Bihar through Excise Commissioner, Excise of Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate, Supaul.
3. The Superintendent of Police, Supaul.
4. The District Transport Officer, Supaul.
5. The Deputy Superintendent of Police, Supaul.
6. The Superintendent of Excise, Supaul.
7. The Sub Inspector, Excise, Supaul.
8. The S.H.O. Raghapur, Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vivek Kumar, Advocate
For the Respondent/s : Mr. Vikash Kumar, S.C. 11

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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.)

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

Date : 01-07-2021

Heard the parties.

Petitioner has prayed for following relief(s):-

- (i) "That this instant application is being set aside this order dated 22.02.2021 passed by the Excise Commissioner, respondent no. 1 in Excise Appeal Case No. 4 of 2021 who rejected the Excise appeal of the petitioner and affirmed the order dated 26.09.2020 passed by the respondent Collector cum District Magistrate, Supaul passed in Excise Case No. 173 of 2020 and not to release the vehicle four wheeler Mahindra Bolero Pickup Van bearing registration No. WB-73E-0322, Engine No. GHG1J43653, Chassis No. MA1ZU2GHKG1J65759 which was seized by the Excise Personals in connection with Raghapur Complaint Police Station Case No. 10 of 2020 on



18.08.2020 for the offence punishable under Section 30(a) of Bihar Excise & Prohibition Amendment Act, 2016 and further pray for grant of any other relief/reliefs, order/orders for which the petitioner is found entitled in the facts and circumstance 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 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 auction sold.

With aforesaid liberty, the writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

