

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8998 of 2021

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Madan Mohan Pandey son of Leeladhar Pandey Proprietor of Country Vide travels, 01, 3rd Floor, Community Centre East of Kailash New Delhi- 110065, At present residing in House No- 570, Sector- 30 Amar Nagar Faridabad, Faridabad 121003.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice /Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences /offices.)

Appearance :

For the Petitioner/s : Ms.Pruna Anand, Adv
For the Respondent/s : Mr.Vivek Prasad GP-07

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

Date : 29-06-2021

Heard learned counsel for the parties.

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

“ For issuance of writ in the nature of Certioraris quashing the order dated 05.02.2021 passed in Excise Appeal No. 44 of 2021 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 are not sustained in the eye of law.

(ii) For issuance of writ in the nature of certiorari for quashing the order dated 07.12.2020 passed by the District Magistrate, Madhepura in Confiscation No. 158/2020 by which the District Magistrate has been pleased to confiscate to Mahindra



Scorpio SS MH 2W120 vide registration No. HR-38AA1281.

To pass interim/Ex party ad interim reliefs during the pendency of the present writ application staying the operation of the order dated 07.12.2020 passed by the district Magistrate, Madhepura, in Confiscation Case No. 158 of 2020.”

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

