

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8642 of 2021**

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Ashutosh Sharma son of Krishna Sharma resident of D- 393, Barra- 8,  
Kanpur Nagar, District- Kanpur (U.P.), Pin Code- 208027.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Prohibition, Excise and Registration Department, Bihar, Patna.
2. Excise Commissioner, Bihar, Patna.
3. District Magistrate, Kaimur (Bhabhua).
4. Excise Superintendent, Kaimur (Bhabhua).

... .. 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.Abhinav Srivastava, Adv  
For the Respondent/s : Mr.Lalit Kishore (Ag)

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**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) Issuance of a direction, order or writ, including writ in the nature of certiorari quashing the order dated 05.03.2021 passed by the Excise Commissioner, Bihar, Patna, in Excise Appeal Case No. 163 of 2021, by which the appeal preferred by the petitioner against the order dated 04.02.2021 passed in the Court of Collectorate cum District magistrate, Kaimur (Bhabhua) in Excise 9Vehicle Confiscation) Case No. 122 of 2020, by which the order have been passed for confiscation and auction of the vehicle of Swift Dzire make bearing registration no. UP 14 DD



3929 belonging to the petitioner has been passed

(ii) Issuance of a direction, order or writ, including writ in the nature of certiorari quashing the order dated 04.02.2021 passed by the learned court of Collectorate cum District Magistrate, Kaimur (Bhabhua) and Excise (Vehicle Confiscation) Case No. 122 of 2020, by which it has been ordered that the vehicle of Swift Dzire make bearing registration no. UP 14 DD 3929 belonging to the petitioner be auctioned in terms of the provisions contained under the Bihar Prohibition & Excise Act, 2016, within a period of two months and the proceeds of the auction be deposited in the District Treasury, District Magistrate, Kaimur (Bhabhua).

(iii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities to release the vehicle Swift Dzire make bearing registration no. UP 14 DD 3929 belonging to the petitioner and hand over the possession to the same to the petitioner who is the lawful owner of the said vehicle.”

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)**

ranjan/-

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