

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9246 of 2021

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Mohammed Jakir (aged about 53 years, Male, S/o Mohammad Yakub, resident of At- Bherorra Tola, P.O.- Chandauli, P.S.- Waini Pusa Op. Chandauli, Tehsil Pisa, District- Samastipur) through his wife Saira Khatoon, aged about 45 years, Female, resident of At- Bherorra Tola, P.O.- Chandauli, P.S.- Waini Pusa Op. Chandauli, Tehsil Pisa, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Government of Bihar, Patna.
2. Excise Commissioner, Government of Bihar, Patna.
3. The Collector, Samastipur.
4. The Superintendent of Police, Samastipur.
5. The Excise Superintendent, Samastipur.
6. The Motor Vehicle Inspector, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Rai, Advocate
For the Respondent/s : Mr. Vivek Prasad, GP 7

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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 : 01-07-2021

Heard learned counsel for the parties.

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

- (i) To quash the order dated 07.12.2019 passed by the Collector, Samastipur in Confiscation (Excise) Case No.532/2019 whereby the Collector has initiated the confiscation of the vehicle Bolero bearing registration No.BR33PA-4147, confiscated in connection with the



Chakmehsi Thana P.S. Case No.126/19.

(ii) To quash the order dated 21.12.2020 passed by the Excise Commissioner in Excise Appeal Case No.143 of 2020 whereby the Excise Commissioner in a mechanical way without appreciating the necessary facts has rejected the Excise Appeal Case No.143 of 2020 and has confirmed the order dated 07.12.2019 passed by the Collector w.r.t. the Confiscation of the vehicle Bolero bearing Registration No.BR33PA-4147, confiscated in connection with Chakmehsi Thana P.S. Case No.126/19. And further to direct the respondents for the release of the aforesaid vehicle (Bolero bearing registration No.BR33PA-4147) of the petitioner.

(iii) For any other order or orders.”

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 / 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	02.07.2021
Transmission Date	NA

