

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9027 of 2021

=====

Jitendra Sah, Son of Bahor Sah, resident of Badi Sankh Bari, P.S.-Muffasil,
District - Begusarai, at present resident of House of Amilal Dhantoth,
Khalpara Road, P.S.-Siliguri, District-Darjeeling, State-West Bengal.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Excise Department,
Government of Bihar, New Secretariat, Patna.
2. The Excise Commissioner, Prohibition, Excise and Registration Department,
Government of Bihar, New Secretariat, Patna.
3. The District Magistrate -cum-Collector, Purnia.
4. The Superintendent of Police, Purnia.
5. The Excise Superintendent, Purnia.
6. The Sub-Inspector, Purnia, Department of Excise, District - Purnia.

... .. Respondents/opp. Parties

=====

Appearance :

For the Petitioner/s : Mr. Daya Shankar Prasad Sinha, Advocate
For the Respondent/s : Mr. Kumar Manish, SC 5

=====

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 : 29-06-2021

Heard learned counsel for the parties.

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

“To quash the order dated 12.02.2021 passed in
Excise Appeal No.08/2021 by the learned Excise
Commissioner, Patna whereby and whereunder the order of
confiscation of four wheeler vehicle of petitioner has been
made. The vehicle bears Registration No. WB-73E-7061,



Chassis No.MAIZ U2TJ1E45331, Engine No.TBJ1E54088.

(ii) To release the four wheeler vehicle goods carrier bearing Registration No.WB-7E-7061, Chassis No. MAIZ U2TJ1E45331, Engine No.TBJ1E54088 standing in the name of petitioner who is its bonafide owner and same has been seized in connection with (Purnia) Case No.348/2019 dated 17.11.2019 instituted u/s 30(a) of the Bihar Excise & Prohibition (Amendment) Act, 2018 by respondent no.6 and same is kept in open space of said P.S. in uncared condition. Aforesaid criminal case is at present pending in the learned court of Special Judge (Excise), Purnia.

(iii) To restrain respondents to proceed with the auction of the aforesaid vehicle.

(iv) Any other relief for which petitioner is entitled.”

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	30.06.2021
Transmission Date	NA

