

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9304 of 2021**

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Jabir Hussain @ Md. Jabir Hussain, son of Late Md. Wali Mohammad,  
Resident of Village- Mirzapur Kothi, P.S. Simraha, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Excise, and Prohibition, Government of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The Director General of Police, Bihar Patna.
4. The Collector, Araria.
5. The Superintendent of Police, Araria.
6. The Deputy Superintendent of Police, Araria.
7. The Station House Officer, Baigachhi, O.P.- (Araria), District- Araria.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Ranjit Kumar Thakur, Advocate  
For the Respondent/s : Mr. Vikash Kumar, SC-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 : 05-07-2021**

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“That this writ application is being filed for setting aside the order dated 15.01.2021 passed by the Excise Commissioner Patna in Excise Appeal Case No. 73/2020 whereby and whereunder the learned Excise Commissioner Patna has rejected the Excise Appeal and affirm the order dated 12.03.2020 passed by the Collector Araria in Confiscation Case No. 274/2019. Which was filed for release of four wheeler Scorpio vehicle of the petitioner bearing Registration No. BR-11 Q-1763, Engine No. GME4E80903, Scorpio Ex 2 WD in favour of the petitioner who is bonafide owner of aforesaid



vehicle the same vehicle has been seized by the A.S.I. of Bairgachhi O.P. in connection with Araria (Bairgachhi) P.S. Case 640/2018 registered for an alleged offence punishable under sections 30(a), 36, 38 of the Bihar Prohibition and Excise Act, 2016.”

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)**

veena/rajiv-

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| CAV DATE          | NA   |
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