

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 8697 of 2021

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Chandan Kumar Son of Naresh Yadav resident of Village BIND TOLI, P.S.
Maranga, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration Excise and Prohibition Department, Government of Bihar, Patna.
2. The Principal Secretary, Registration Excise and Prohibition Department, Government of Bihar, Patna.
3. The Commissioner Excise, Bihar, Patna.
4. The District Magistrate Cum- Collector, Purnea.
5. The Superintendent of Excise, Purnea.
6. Superintendent of Police, Purnea.
7. Officer in Charge, Sadar, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Respondent/s : Mr. Vivek Prasad, G.P. 7

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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 : 29-06-2021

Heard the parties.

Petitioner has prayed for following relief(s):-

- (i) "To issue an appropriate writ(s), order(s), direction(s) in the nature of a writ of Mandamus directing the quashing of the order dated 18.12.2020 passed in Excise Appeal Case No. 117 of 2020 passed by the Excise Commissioner, Bihar, Patna



(respondent no. 3 whereby and whereunder the appeal filed by the petitioner against the order dated 28.02.2020 passed in Excise Confiscation No. 14 of 2020 by the District Magistrate-cum-Collector, Purnea (respondent no. 4) has been dismissed.

(ii) For giving a direction quashing the order dated 28.02.2020 passed in Excise Confiscation No. 14 of 2020 passed by the District Magistrate Cum-Collector, Purnea (respondent no. 4) whereby and whereunder Mahindra Bolero Pick Up Van bearing registration no. BR11GA-0907 has been confiscated.

(iii) For giving a direction to the concern respondents to release the vehicle of the petitioner namely Mahindra Bolero Pick Up Van bearing registration no. BR11GA-0907 in favour of the petitioner which was seized on 19.07.19 in connection with Sadar P.S. Case No. 366 of 2020 giving rise to Special Excise Case No. 547/2019.”

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)

Rajiv/veena-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

