

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9888 of 2021

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Gaurav Kumar Son of Raj Kumar Singh, Resident of Patepur, P.O. - Shambhupatti, P.S. - Mufassil Samastipur, Dist. - Samastipur... .. Petitioner/s
Versus

1. The State of Bihar represented through Principal Secretary Excise Department, Old Secretariat Building, Patna, PIN - 800015.
2. The Commissioner, Department of Excise, Bihar at Patna.
3. District Magistrate, Samastipur, Dist. - Samastipur.
4. Senior Superintendent of Police, Dist. - Samastipur.
5. The D.C.L.R., Samastipur, Dist. - Samastipur.
6. S.H.O. Tajpur (Halai O.P.), P.S. and Dist. - Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar
Mr. Mrignendra Kumar, Advocates
For the Respondent/s : Mr. Kumar Manish, SC 5

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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 : 06-07-2021

Heard learned counsel for the parties.

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

“ For setting aside the order dated 23.02 2021 passed in Excise Appeal case no. 107 of 2021 whereby the learned Commissioner (Respondent no.-2) has dismiss the appeal of the petitioner and further affirmed order passed by the learned D.C.L.R. Samastipur in confiscation case no 09/2020-2021.

II. For setting aside order dated 30.12.2020 passed by learned D.C.L.R. Samastipur in confiscation case no. 09/2020-21 whereby the petition on behalf of the petitioner for release of his Hyndai J 20 vehicle bearing chassis no MALBM51BLKM741152 Engine no.



G4LAKM405035 seized in connection with Jaipur Halai P.O. P.s. case no. 65/2020 has been rejected. And for any other relief (s) the petitioner is sought to be entitled for.”

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	08.07.2021
Transmission Date	NA

