

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11286 of 2021

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Nehal Kumar Son of Prabhu Prasad Resident of Gumti No. 03, Rahul Nagar,
P.S. Brahmapura, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the principal Secretary, Prohibition Excise and Registration Government of Bihar, Patna.
2. The Excise Commissioner, Prohibition Excise and Registration Department, Government of Bihar, Patna.
3. The District Magistrate - Cum- collector, Muzaffarpur.
4. Land Reforms Deputy Collector, East Muzaffarpur.
5. The Superintendent of Police, Muzaffarpur.
6. The Superintendent of Excise, Muzaffarpur.
7. The officer - in - charge, Brahmapura, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate
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 : 19-07-2021

Heard learned counsel for the parties.

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

“(i) For issuance of order/order(s), direction/
direction(s), writ/writ(s) particularly in the nature of
certiorari for quashing of order dated 05.03.2021 passed by
the respondent no.02 in Excise Appeal No.151/2021
contained in (Annexure -4) by which he has affirmed the
order dated 22/01/2021 passed by Land Reforms Deputy
Collector, East Muzaffarpur respondent no.4 in



confiscation case No.221/2020-2021 contained in (Annexure-3) by which he has confiscated the motor car of the petitioner bearing Registration No. BR06CG-3555.

(ii) For issuance of order / order(s), direction/direction(s), writ/ writ(s) particularly in the nature of certiorari for quashing of order dated 22/01/2020 passed by Land Reforms Deputy Collector, East Muzaffarpur respondent no.4 in Confiscation case No.221/2020-2021 contained in (Annexure-3) whereby and whereunder motor car/ vehicle has been confiscated and ordered for the auction as per the rule.

(iii) For issuance of order/ order(s), direction/direction (s), writ/writ(s) particularly in the nature of mandamus commanding the respondents authority to release the motor car / vehicle bearing registration No.BR06CG-3555, Chassis No.MZBET813MLN087638, Engine No.D4FALM975829 in favour of petitioner.

(iv) For granting any other relief or reliefs to which the petitioner may be found entitled to in the facts and circumstances of this case.”

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	24.07.2021
Transmission Date	NA

