

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11532 of 2021

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Ranjit Kumar Kushwaha Son of Tejnarayan Gupta Resident of Baijnathpur,
Ward No. - 2, P.S. - Bihariganj, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The Collector Cum District Magistrate, Purnea.
4. The Superintendent of Police, Purnea.
5. The Excise Superintendent, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar Agrawal, Advocate Mr. Santosh Kumar Singh, Advocate
For the Respondent/s	:	Mr. Vikash Kumar S.C. 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 : 22-07-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief(s):-

- (i) "For quashing the order dated 05.02.2021 passed by the learned Excise Commissioner, Bihar, Patna in Excise Appeal No. 45 of 2021 whereby the order of confiscation passed by the Ld. Collector, Purnea dated 20.10.2020 in Excise Case No. 319/2020 has been affirmed and appeal filed by petitioner was dismissed.
- (ii) For quashing the order dated 20.10.2020 passed by the Ld. Collector, Purnea in Excise Case No. 319/2020 whereby the motorcycle of the petitioner bearing No. BR 43T-4108 seized in connection with Barhara (Raghubansh Nagar) P.S. Case No. 160/2020 has been confiscated.



(iii) For a direction to the respondents to release the Motorcycle BR 43T-4108 in favour of the petitioner .
And for any other relief(s) for which the petitioner is found to be entitled in the facts and circumstances of the 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 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 vehicle shall not be auction sold, if not auction sold.

With aforesaid liberty, the writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

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

