

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9943 of 2021

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Rupa Gupta W/o Anil Kumar, R/o Mohalla - Housing Colony, Road No. - 19,
Near Shiv Mandir, Adityapur, P.S. - N.I.T., District - Seraikela (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Bihar Prohibition and Excise Department, Bihar, Patna.
2. The Commissioner Excise, Bihar, Patna.
3. The District Magistrate- Cum-Collector, Nawada.
4. The Superintendent of Police, Nawada.
5. The Inspector Excise Consolidated Check Post, Rajauli, Nawada.

... .. Respondent/s

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice /Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences /offices.)

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha, 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)

Date : 06-07-2021

Heard learned counsel for the petitioner and learned
counsel for the State.



Petitioner has prayed for the following reliefs: -

- (I) To issue a writ in the nature of Certiorari for quashing the order dated 05-02-2021 passed by the Excise Commissioner, Bihar, Patna in Excise Appeal No. 25 of 2021.
- (II) To issue a writ in the nature of certiorari for quashing the order dated 24-11-2020 passed by the Collector, Nawada in Confiscation case No. 412(E) of 2020 arising out of P.R. Case No. 28/2020 under sections 30 (a) of the Bihar Excise and Prohibition Act 2016 whereby and where under he has confiscated the Inova vehicle vide Reg. No. JH06D-9595 under the purported exercise of powers conferred under section 58 (5) of the New Excise Act, 2016 and directed for public auction in the public interest and further stay the operation of auction proceeding issued by the office of District Magistrate, Nawada and release the same in favour of the petitioner.
- (III) Any other relief/s to which the petitioners are 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 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)

ranjan/-

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

