

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10263 of 2021

=====

Nakul Kumar Son of Ayodhya Mandal Resident of Village- Chhoti Chataiya,
Mathurapur, P.S.- Ekchari Mathurapur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Excise Department
Government of Bihar, Old Secretariat, Patna.
2. The Excise Commissioner Vikas Bhawan, Bihar, Patna.
3. The District Magistrate Arariya.
4. The Superintendent of Police Arariya.
5. The Superintendent Prohibition Arariya.
6. The S.H.O. Arariya Police Station Arariya.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Manish Kumar Singh
For the Respondent/s : Mr. Vikash Kumar, SC 11

=====

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 : 08-07-2021

Heard learned counsel for the parties.

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

(I) To issue an appropriate writ for order / orders
for setting aside the order dated 06.09.2020 passed in
confiscation case No.424/2020 by learned Collector, Arariya
(Memo No.1914 dated 18.09.2020).

(ii) To issue an appropriate order or direction or
writ for quashing the appellate order dated 05.03.2021
passed in Appeal No. 169/2021 by Commissioner Excise,
Bihar, Patna whereby and wherein the order passed by the



Collector, Arariya dated 06.09.2020 confiscating the Bolero pickup van of the petitioner has been upheld.

(iii) To grant any other relief(s) for which the petitioner may be entitled to in the given 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 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	09.07.2021
Transmission Date	NA

