

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 10351 of 2021

=====

Rajesh Yadav @ Rajesh Kumar Bhadeshar Son of Ramanand Prasad Yadav,
resident of Village-Navtol, P.S.-Phulparas, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. The Principal Secretary, Excise Department, Government of Bihar, Patna.
3. The Collector, Katihar.
4. The Superintendent of Excise and Prohibition, Katihar.
5. The Superintendent of Police, Katihar.
6. The Station House Officer, Balrampur Police Station, District- Katihar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Jagnnath Singh, Advocate

For the Respondent/s : Mr.Vikash Kumar (Sc11)

=====

(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 : 16-07-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief(s):-

“This is an application for issuance of a writ in the nature of certiorary or any other appropriate writ/rule for quashing the order dated 07.02.2020 passed in Confiscation Case No. 370/2019-20 passed by the Collector, Katihar Confiscating the Scorpio Registration No. BR-07 PP 7262 seized in connection with Balrampur P.S. Case No. 21/2019 where during the search 186.84 litres liquor is alleged to have been seized carrying for the purpose of trade and therefore, it has been directed that as the condition of the vehicle would attain deterioration by keeping the same in open skay in the police station premises and therefore, the Superintendent of Excise Prohibition, Katihar has been directed to adopt the due procedure of confiscation to sold the vehicle by public auction and also the order



dated 15.01.2021 passed in Excise Appeal Case No. 54/2020 passed by the Excise Commissioner, Bihar, Patna affirming the order of the Collector, Katihar dated 07.02.2020 for confiscation of the vehicle in question.”

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 already auction sold.

With aforesaid liberty, the writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

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

