

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11471 of 2021

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Pankaj Sah Son of Banarsi Sah Resident of Shahpur, Ward no. 3, Police Station- Cheriabariyarpur, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Prohibition Excise and Registration Department (Excise), Government of Bihar, Patna.
2. The Excise Commissioner Excise and Prohibition Department, Government of Bihar, Patna.
3. The District Magistrate Begusarai.
4. The Superintendent of Police Begusarai.
5. The S.H.O., Cheriya Bariyarpur Police Station District- Begusarai.
6. The Investigating Officer, S.I., Ram Varan Prasad Cheriya Bariyarpur Police Station, District- Begusarai.
7. Ajay Kumar Singh, A.S.I., (Informant) S/o Late Ramanand Singh Cheriya Bariyarpur Police Station, District- Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Umesh Kumar, Advocate
For the Respondent/s : Mr.Vivek Prasad (Gp7)

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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 : 20-07-2021

Heard learned counsel for the parties.

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

1. This writ petition is being preferred on behalf of the petitioner above named invoking the writ jurisdiction for the following reliefs:-

(I) For Issuance of writ In the stature of Certiorari or any appropriate writ for quashing of the order dated 05.02.2021



passed by the Excise Commissioner, Excise & Prohibition Department, Government of Bihar, Patna (Respondent No.2) in Excise Appeal No. 37/2021, whereby the said appeal of the petitioner has been dismissed by confirming the order dated 27.11.2020 passed in Confiscation .(Excise) Case No. 148/2020 by the District Magistrate, Begusarai whereby the Superintendent, Excise Prohibition/ Motor Vehicle Inspector, Begusarai/ S.D.O., Manjhaul and SHO, Cheriya , Bariyarpur have been directed to take action for confiscation of the seized vehicle bearing E-Ricksha Chasssis No. M8EY4A319HP00113.

(ii) For issuance of writ in the nature of Mandamus or any other appropriate writ commanding the respondents to release the seized vehicle bearing E- Ricksha Chasssis No. M8EY4A319HP00113 in favour of the petitioner, which has been recovered and seized on 29.08.2020 in connection with Cheriya Bariyarpur P.S. Case No 168/2020 instituted on 29.08.2020 U/s Section 30(A) of the Bihar Prohibition & Excise Act, 2016.

(iii) For Issuance of writ in the nature of Mandamus or any other appropriate writ for commanding the respondents to stay the confiscation of aforesaid vehicle of the petitioner during pendency of this writ petition.

(iv) For issuance of writ in the nature of Mandamus or any other appropriate writ commanding the respondents to refund the amount with interest to the petitioner, if the vehicle of the petitioner has been confiscated in favour of any one.



(v) For issuance of any other writ, order or direction which your Lordships may deem fit and proper 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 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

