

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10782 of 2021

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Sujay Kumar, Son of Ram Baran Kushwaha, Resident of Ward no. 05,
Tengrari, Tengharhi, P.S.-Shiwaipatti, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Commissioner Excise, Government of Bihar, Patna.
2. The Collector-Cum-District-Magistrate, Muzaffarpur
3. The Superintendent of Police, Muzaffarpur.
4. The Station House Officer, P.S.-Meenapur, District Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Respondent/s : Mr. Vivek Prasad, G.P. 7

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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 : 16-07-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief(s):-

- (i) "For issuance of a writ in the nature of certiorary for quashing the order dated 23.02.2021 passed in Excise Appeal Number 115 of 2021 by the Commissioner excise, Bihar, Patna whereby and where under the appeal was dismissed and the order passed in Confiscation case no. 40 of 2019-20 by collector-cum-district-magistrate was confirmed.
- (ii) For issuance of a writ in the nature of certiorary for quashing of order passed by Collector-Cum-District-Magistrate, Muzaffarpur in Confiscation Case No. 115 of 2021 dated 29.09.2020 whereby and where under the pick up vehicle bearing registration number BR-06GC-8022 was confiscated which is consequence order of the present case/relief.
- (iii) For issuance of a writ in the nature of mandamus directing and commanding the respondents to release the



pick up van bearing registration number BR-06GC-8022 in favour of the petitioner.
(iv) To grant any other relief/reliefs, order/orders for which the petitioner is entitle under law as well as on fact.”

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

