

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10833 of 2021

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Murari Kumar Son of Siyaram Yadav, Resident of Village - Ganesh Pur, P.S.-
Kharik, Distt. - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the its Principal Secretary, Excise Department,
Govt. of Bihar, Patna.
2. The Divisional Commissioner, Excise Department, Bhagalpur Division.
3. The District Magistrate, Cum Collector, Banka.
4. Superintendent of Police, Banka.
5. Officer-in-Charge of Katoriya, Police Station, Distt.- Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jyoti Ranjan Jha, 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)

**(The proceedings of the Court are being conducted through
Video Conferencing and the Advocates joined the proceedings
through Video Conferencing from their residence.)**

Date : 13-07-2021

Heard learned counsel for the parties.

It is submitted by learned counsel for the petitioner that
in relief portion at page no.2 in paragraph no.1(I), and at page
no.4, “Confiscation Case No.441/20-21” has wrongly been
typed in place of “Confiscation Case No.141/20-21” and he
prays for correction of the same in the writ petition.

In view of the submission made by learned counsel for
the petitioner, let “Confiscation Case No.141/20-21” be read in



place of “Confiscation Case No.441/20-21” .

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

“(I) For quashing the Order dt.27.11.2020, passed by learned Collector, Banka in confiscation case No.141/20-21, whereby and whereunder learned Collector has directed for confiscation of the concerned vehicle i.e. (Tata Xenon) bearing registration No.BR10GB5011- Engine No. 45PCR10NPY642504.

(II) For quashing the order dt. 23.2.2021, passed by learned Excise Commissioner, Bihar, Patna in connection with Excise Appeal No. 113/2021, whereby and whereunder learned Excise Commissioner, Bihar Patna has rejected the appeal filed by the petitioner by confirming the order passed by learned Collector, Banka.

(III) For issuance of appropriate writ(s), direction(s), order(s) to the respondent authority concerned, for a direction to release the Pick up vehicle (Tata Xenon) bearing registration No.BR 10GB5011- Engine No.45PCR10NPY642504, in favour of petitioner, who is lawful owner of the said vehicle, (arising out of Katoriya Excise Case No.38/2020) dt. 13.06.2020, offences under Sections 30(a) of Bihar Prohibition of Excise (Amendment) Act, 2018.

IV. For any other relief(s) for which petitioner is found entitled in the eye of law.”

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	15.07.2021
Transmission Date	NA

