

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10598 of 2021

=====

Rakesh Kumar @ Rakesh Rai Son of Arvind Kumar, resident of Ward no. - 1,
Bareba Bhanpur, Bareba, Anchal and P.S.- Goraul, District - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. Excise Commissioner, Excise Department, Government of Bihar, Patna.
3. The Collector Cum-District Magistrate, Muzaffarpur.
4. The D.C.L.R., West Muzaffarpur.
5. The Senior Superintendent of Police, Muzaffarpur.
6. The Sub Divisional Officer, West, Muzaffarpur.
7. The Excise Superintendent, Muzaffarpur.
8. S.H.O. of Paroo Police Station, Muzaffarpur.

... .. Respondent/s

=====

Appearance :

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

=====

(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 : 08-07-2021

Heard the parties.

Petitioner has prayed for following relief(s):-

- (i) “For directing and commanding the respondent to quash the order dated 19.03.2021 (Ann-5) passed by Excise Commissioner, Bihar Patna in Excise Appeal No. 183/2021 “Rakesh Kumar @ Rakesh Rai Vrs Land Reform Deputy Collector, West Muzaffarpur” where under and whereby he has confirmed the order dated 16.01.2021



(Ann-4) of Land Reform Deputy Collector, West Muzaffarpur passed in Confiscation Case No. 37/2020-21, for confiscation of Mahindra Bolero Pick Up vehicle bearing registration no. BR06GB9345.

(ii) Also for directing and commanding the respondents to release provisionally the Mahindra Bolero Pick Up vehicle bearing its registration no. BR06GB9345, Engine no. GHG1A10052, Chassis No. MA1ZN2GHKG1A14824 in favour of the petitioner as he is the real owner of its Mahindra Bolero Pick Up vehicle, seized in Paroo P.S. Case No. 242/19 dated 13.06.2019, lodged under Section 30/30(a) of Bihar Prohibition and Excise Amendment Act, 2016.”

(iii) For directing and commanding the respondents to take immediate an appropriate action with respect to release the said Mahindra Bolero Pick Up vehicle as valuation of the said seized vehicle is decreasing day by day.

(iv) And also for any other relief/relieves for which petitioner is found to be legally entitled under 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 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 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

