

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10759 of 2021

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Vishal Kumar S/o Akhilesh Pandey Resident of village- Chaparda, Parsawan
Medical Road, P.S.- Magadh Medical, District- Gaya, Bihar- 823004

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Dept. Govt. of Bihar, Patna
2. The Commissioner, Excise Dept. Magadh Division, Gaya
3. The District Magistrate, Gaya
4. The Senior Superintendent of Police, Gaya
5. The Excise Superintendent of Police, Gaya, District- Gaya
6. The OIC, P.s.- Sherghati, District- Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Nawnit Kumar Tiwary Mr. Rajesh Kumar, Advocates
For the Respondent/s	:	Mr.Vikash Kumar, SC 11

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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.

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

“(i) For issuance of certiorari quashing the order dated 08.03.2021 passed by Commissioner (Excise), Bihar, Patna in Excise Appeal No.177/2021 whereby the Commissioner (Excise) has been pleased to uphold order dated 15.12.2020 of the District Magistrate, Gaya without adhering to prescribed Legal Provisions of Bihar Prohibition and Excise Act, 2016.

(ii) For further direction to release the Kwid car



having registration No.BR-02AK-1689 from confiscation and not to put the same on public auction as the auction of the aforesaid car shall be in complete violation of prescribed Legal Provision.

(iii) For any other relief(s) applicable 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)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.07.2021
Transmission Date	NA

(S. Kumar, J)

