

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 11191 of 2021

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Suman Kumar Sourabh Son of Suresh Prasad Yadav Resident of Village-Ward
No.01, Jayram Parsi, Chatra Badh, P.S. Gwalpara, District-Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Govt. of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Araria.
4. The Superintendent of Police, Araria.
5. The Sub Inspector, Excise, Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mrigendra 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 : 13-07-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief(s):-

- (i) “For issuance of an appropriate writ in
quashing the order dated 15.01.2021 passed by the
learned Excise Commissioner, Bihar, Patna in
Excise Appeal No. 190/2020 (as contained in
Annexure-6 to the writ application) whereby and
whereunder the respondent no. 2 affirmed the
order dated 04.09.2020 passed by the learned
Collector, Araria in Confiscation Case No.



46/2019-20 (as contained in Annexure- 5 to the writ application).

(ii) For issuance of an appropriate writ in quashing the order dated 04.09.2020 passed by the learned Collector, Araria in Confiscation Case No. 46/2019-20 (as contained in Annexure- 5 to the writ application) whereby the Maruti Alto Car of the petitioner bearing Registration No. BR.09AB-8513, Chassis No. MA3EU A61500D-77007, Engine No. F8DN61 32859 has been confiscated under Section 58(2) of the Bihar Prohibition and Excise Act, 2016.

(iii) For issuance of an appropriate writ commanding the respondents authority to release the white coloured Maruti Alto 800 VXi Car bearing Registration No. BR-09AB-8513, Chassis No. MA3EUA61S00D77007 and Engine No. F8DN6132859 belonging to the petitioner.

(iv) For any other relief/reliefs for which the petitioners are entitled under law as well as on facts.”

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)

veena/rajiv-

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

