

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11770 of 2021

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Ramadhar Ram Son of Yamuna Ram, resident Kushwaha Mela Dildarnagar,
P.S.- Dildarnagar, District - Gazipur, Uttar Pradesh, PIN - 232326.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Department of Liquor Prohibition and Excise, Government of Bihar, Patna.
2. The Commissioner, Office of Excise, Secretariat, Patna.
3. The District Magistrate-cum-Collector, Aurangabad, Bihar.
4. The Additional District Magistrate-cum-Collector, Aurangabad, Bihar.
5. The Superintendent of Police, Aurangabad, Bihar.
6. The S.H.O., Aurangabad Town Police Station, Aurangabad, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Satish Kumar Pandey
For the Respondent/s : Mr.Vivek Prasad (Gp7)

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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 : 17-08-2021

Heard learned counsel for the parties.

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

(I) To issue an appropriate writ/writs, order/orders, direction/directions including a writ in the nature of certiorari to quashing the order dated 22.02.2021 passed by the learned Commissioner, Excise, Patna (OP No.2) in Excise Appeal No.-84/2021 in which the learned Commissioner (OP NO.2) has confirmed the order dated 22.12.2020 passed by the Additional District Collector, Aurangabad (OP No.4) in Excise Confiscation case

No.621/2019 (in connection with Aurangabad Town P.S. Case No. 261/2019 dated 01.08.2019 registered under Sections 30(a)/37(b) of Bihar Liquor Prohibition and Excise Act, 2018) in which the Additional District Collector, Aurangabad (OP no.4) has confiscated the Scorpio jeep bearing registration No. UP-61AH-6262, Chassis No.MA1TA2WR2H2M11862, Engine No.WRH4M17042, of the petitioner (owner) against the order dated 09.07.2020 passed by the Hon'ble the Chief Justice, and the Hon'ble Justice S. Kumar of Patna High Court in CWJC No.3835/2020 filed by the petitioner.

(ii) To issue an appropriate writ or direction or order/orders to give direction to the respondents to not take any coercive measures against the vehicle of the petitioner.

(iii) To grant any other writs/orders/directions to give relief/reliefs for which the petitioner is found to be entitled 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)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.08.2021
Transmission Date	NA