

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 11930 of 2021

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Pankaj Mishra, Son of Umanand Mishra, resident of Bela Chapra, Police Station- Bela, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Excise Department, Government of Bihar, Patna.
3. The Collector, Muzaffarpur.
4. The Excise Commissioner, Government of Bihar, Patna.
5. The Deputy Collector Land Reforms, East Muzaffarpur.
6. The Officer-in-Charge, Mushari Police Station, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Praveen Kumar, Advocate
		Mr. Rajni Kant, Advocate
For the Respondent/s	:	Mr. Vikash Kumar, S.C. 11

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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 : 22-07-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief(s):-

“That the present writ application is being filed for the grant of appropriate writ/direction for the release of Scorpio Vehicle of the petitioner bearing Chassis No. MAITA2TDKK2D 40964, Engine No. TDK4C 83104, in favour of the petitioner, seized in connection with Mushari P.S. Case No. 49 of 2020 registered for the offences under Section 30(a), 37(c) Bihar Excise and Prohibition Act, 2016 after quashing the impugned orders dated 15.02.2021, passed in confiscation Case No. 16 of 2020-21, passed by the learned Deputy Collector, Land Reforms, East Muzaffarpur (Annexure-3) and also the order of the learned Excise, Commissioner, Bihar, Patna (Annexure-4) dated 09.04.2021, passed in Excise Appeal No. 264 of 2021 and to allow this writ application with



cost and cost of litigation.”

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)

veena/-

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

