

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11877 of 2021

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Shailesh Kumar Sinha Son of Janki Prasad Singh, Resident of Village -
Malawan, Police Station- Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar, through, the Principal Secretary, Bihar Prohibition and Excise Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Bihar Prohibition and Excise Department, Govt. of Bihar, Patna.
3. Commissioner (Excise) Bihar Prohibition and Excise Department, Govt. of Bihar, Patna.
4. The District Magistrate - Cum - Collector, Patna District- Patna.
5. The Superintendent of Police, Patna, District- Patna.
6. The Thana - In - Charge, Police Station Alamganj, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rabindra Prasad Singh, Advocate
For the Respondent/s : Mr. Kumar Manish, S.C. 5

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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 : 20-07-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief(s):-

(I) “That this writ petition is being filed on behalf of the petitioner for issuance of an appropriate order/orders/direction/directions writ in the nature of certiorary to set aside the order dated 16.04.2021 and order dated 12.02.2021 passed in Appeal No. 291 of 2021 and Confiscation Case No. 2222 of 2020-21 passed by the Commissioner (Excise), Patna



respectively whereby and where under the learned court below (respondents) have rejected the prayer for releasing of seized Mahindra Motor Car Scorpio vehicle vide Registration No. BR-04PK-1102 of the petitioner without applying Judicial mind.

(II) And further for issuance of an appropriate order/orders/direction/directions/ writ in the nature of Mandamus directing and commanding to the respondents to release the said seized Mahindra Motor Car Scorpio vehicle vide Registration No. BR-01PK-1102 Chassis No. MA1TA2TDKK2A18679, Engine No. TDK4A-80389 to the petitioner which has been seized by the police in connection with PR No. B-66 of 2020 dated 13.11.2020 offence under Sections 30(a), 32(i), 32(3), 41(1), 41(2) of Bihar Prohibition and Excise (Amendment) Act, 2018.

(III) And further be pleased to grant other relief/relieves as the petitioner is entitled for.”

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

