

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11859 of 2021

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Rajendra Prasad, Son of Ram Lakhan Mahto, resident of Village and Post-Kurmawan, Police Station-Barachatti, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Commissioner Excise, Bihar, Patna.
3. The District Magistrate-cum-Collector, Gaya.
4. The Senior Superintendent of Police, Gaya.
5. The Excise Superintendent, Gaya.
6. The Officer-in-charge, Sherghati Police Station, District-Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Gajendra Kumar Singh, Advocate
		Mr. Manish Kumar No. 2, 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 : 22-07-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief(s):-

- (i) "That this present writ application is being filed for issuance of appropriate writ/writs, order/orders for setting aside the order dated 08.03.2021 passed in Excise Appeal Case No. 180 of 2021 by the learned Commissioner, Excise, Bihar, Patna whereby and where under appeal filed by the petitioner against the order dated 10.10.2020 passed in Excise Confiscation Case No. 49/2020 by the learned District Magistrate, Gaya has been dismissed and order of the District Magistrate, Gaya has been upheld and further to direct the respondent authorities to release the vehicle (Mahindra Scorpio) of the petitioner bearing Registration No. BR-02PA-5460 having Engine No. WGG4J22053 and Chassis No. MA1TA2WGXXG2J30650 in favour of the petitioner,



which was seized by the Sherghati Police Official, Gaya in connection with Sherghati P.S. Case No. 496 of 2019 which has been registered for offence under Sections 30(a)/30(d) of the Bihar Prohibition and Excise Act and Section 25(1-b)a/26 of the Arms Act and/or for any other relief or reliefs to which the petitioner may be found entitled to in course of hearing of this writ application.”

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

