

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13024 of 2021

Chandan Mandal Son of Valmiki Mandal, resident of Ward No. 10, Near
Bhagwati Asthan, Navtoliya, Police Station- Gogri, District - Khagaria.

... .. 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 Excise Commissioner, Government of Bihar, Patna.
4. The Collector, Bhagalpur.
5. The Excise Official, Sadar Anchal, Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate

For the Respondent/s : Mr. Kumar Manish, SC 5

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 : 29-07-2021

Heard learned counsel for the parties.

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

“The present writ application is being filed for
the release of Scorpio vehicle of the petitioner in favour of
petitioner bearing registration No.BR10PB 5288, seized in
connection with Excise Case No.286A of 2019, registered
for the offences under Section 30(a) of Bihar Excise and
Prohibition Act, 2016 after setting aside the impugned
appellate court order dated 06.04.2021, passed in Excise
Appeal Case No.130 of 2021, passed by the learned
Commissioner Excise, Bihar, Patna and also for setting
aside the impugned order of learned Collector, Bhagalpur
dated 16.12.2020, passed in Misc. (Excise) Case No.352 of

2019-20. It is further prayed that the present writ application may be allowed 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 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)

ranjan/-

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