

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12568 of 2021

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Ayesha Raj Daughter of Manoj Kumar Bharti @ Manoj Kumar, Resident of
Village - Chhabilapur, P.S.- Chhabilapur, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Excise Commissioner, Patna.
3. The District Magistrate-Cum-Collector, Nawada.
4. The Superintendent of Police, Nawada.
5. The Excise Superintendent, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate
For the Respondent/s : Mr. Vikash Kumar (Sc11)

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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 : 27-07-2021

Heard learned counsel for the parties.

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

“(a) For issuance of an appropriate writ in the nature of certiorari for quashing the order dated 28.12.2020 passed by the respondent District Magistrate in Confiscation Case No.513(E) of 2020 whereby and whereunder learned District Magistrate has been pleased to pass an order of confiscation of Scorpio vehicle of petitioner bearing registration No.BR21P-4124, Engine No.TDJ4D90830, Chassis No.MAIJAZTDKJ2043986 which has been seized in G.O. Case No.215/2020 arising out of Excise Case No.1030/2020 aged offences under Section 30(a), 56(B) of Bihar Prohibition and Excise Act 2018.

Further for quashing the subsequent order dated 19.03.2021 passed in Excise Appeal No.70 / 2021 by respondent Excise Commissioner, Patna whereby learned Commissioner has been pleased to dismiss the appeal filed by the petitioner and further for direction to release the seized scorpio of petitioner which has been seized in G.O.



Case No.215/2020 arising out of Excise Case No.1030/2020.

(ii) Further for issuance of any other writ/writs, order/orders, direction/directions for which petitioner shall every prayed.”

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	28.07.2021
Transmission Date	NA

