

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12532 of 2021

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Malti Devi, Wife of Bharat Singh, Resident of Quarter No. 543, Premnagar,
Officer Colony, Murlidih 20/21 Pits Colli, Water Tanki, Mahuda, Murlidi,
District -Dhanbad, Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Registration Excise and Prohibition Department, Government of Bihar, Patna.
2. The Commissioner Excise, Registration Excise and Prohibition Department, Government of Bihar, Patna.
3. The District Collector, Banka.
4. The Superintendent of Police, Banka.
5. The District Excise Superintendent
6. The SHO Katoria Police Station, District Banka.
7. The Sub Inspector of Police (Informant) Katoria Police Station, District Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Kundan Kumar, Mr. Yogesh Kumar, Advocates
For the Respondent/s	:	Mr. Vikash Kumar, SC 11

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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 : 22-07-2021

Heard learned counsel for the parties.

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

(I) For setting aside the order dated 01.06.2021
passed in Excise Appeal Case No.342/2021 by the
Commissioner Excise, Bihar, Patna whereby and whereby
rejected the appeal of the petitioner affirming the order doted
12-02-2021 passed by the District Collector, Banka in



Confiscation case No.656/2020-202.

ii.) For setting aside the order dated 12.02.2021 passed by the learned District Collector, Banka in Confiscation (Excise) Case No 656 of 2020-21 whereby and whereunder learned District Collector, has ordered to confiscate the Bolero Pick Up Van bearing registration No. JH-10BF-8290, Chassis No. MA1ZN2TBKHIE43597 Engine No. TBH1E59102 under section 58 of the Bihar Prohibition and Excise Act and further ordered for initiated procedure of auction under Section 58 (5) of the Bihar Excise and Prohibition Act, without appreciating the reply of the petitioner.

iii.) For a direction upon the concerned respondent to release the vehicle of the petitioner bearing Registration No. JH-10BF-8290, Chassis No. MA1ZN2TBKHIE43597 Engine No. TBH1E59102 which was seized in connection with FIR bearing Katoria PS case No. 230/2020, as a matter of fact the said vehicle is a commercial vehicle and same was misused by the driver of the said vehicle for which on the alleged date of occurrence one FIR bearing Mahuda P.S. Case No. 74 / 2020 on 15-11-2020 which was investigated and found case to be true.

(iv) For any other relief for which the petitioner may be deemed entitled to.”

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	24.07.2021
Transmission Date	NA

