

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12658 of 2021

Binod Kumar, Son of Surendra Mahto, Resident of Sector- 4E, Block-9,
Jhopri, P.S.- Sector 4, District- Bokaro (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar through the Excise Commissioner, Excise Department,
Government of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. District Magistrate, Bhagalpur.
4. The Excise Superintendent, Bhagalpur.
5. The Sub Divisional Officer, Bhagalpur.
6. The Superintendent of Police, Bhagalpur.
7. The Station House Officer (S.H.O.), Jagdishpur P.S., District Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Naresh Prasad, Advocate Ms. Pushpa Kumari, Advocate
For the Respondent/s	:	Mr. Kumar Manish (S.C. 5)

(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 : 27-07-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief(s):-

- (i) "That this is an application for issuance of an appropriate writ in the nature of writ of Certiorary to quash the order dated 16.12.2020 passed by District Magistrate-cum-Collector, Bhagalpur in Confiscation (Excise) Case No. 351/2019-20 arising out of Jagdishpur P.S. Case No. 286/2019 dated 21.12.2019 registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016 whereby and whereunder he had passed the order of confiscating the seized Mahindra Pick Up vehicle of the petitioner bearing registration no. JH-09AL-6661 having Chassis No. MA1ZN2TBKJ1D35785, Engine No. TBJ1D45395 and directed to the Excise Superintendent of Excise, Bhagalpur to conduct the auction of the aforesaid

seized vehicle of the petitioner and deposit the auctioned amount in the treasury and also quash the appellate order dated 05.03.2021 vide Excise Appeal No. 132/2021 passed by Excise Commissioner, Bihar, Patna by which he had mechanically upheld the order of confiscation passed by Collector and further prayed to issue a direction to the respondents to hand over the confiscating property to the petitioner.”

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