

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13029 of 2021

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Daisy Devi Wife of Chandramauli Kumar Resident of Village- Sorhipur,
Police Station- Warisaliganj in the district of Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. The Principal Secretary, Excise Department, Government of Bihar, Patna.
3. The Commissioner, Excise, Bihar, Patna.
4. The District Magistrate-cum-Collector, Nalanda.
5. The Superintendent of Police, Nalanda.
6. The Officer-in-charge, Giriak P.S. in the district of Nalanda.
7. The Officer-in-charge, Katrisarai P.S. in the district of Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar
		Mr. Pankaj Kumar, Advocates
For the Respondent/s	:	Mr.Kumar Manish (Sc5)

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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 : 29-07-2021

Heard learned counsel for the parties.

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

“I. To quash the order dated 26.3.2021 passed by learned Commissioner, Excise, Bihar, Patna in Excise Appeal Case No. 229 of 2021 by which the appeal filed on behalf of the petitioner against the order dated 9.2.2021 passed by the District Magistrate-cum-Collector, Nalanda in Confiscation Case No. 14 of 2019 with respect to Confiscation of

Scorpio of the petitioner bearing Reg. No. BR27E-2456 has been rejected in most mechanical manner without application of mind and without considering the mandate of law.

II. Also to quash the order dated 9.2.2021 passed by the District Magistrate-cum-Collector, Nalanda in Confiscation (Excise) Case No. 14 of 2019 State versus Unknown by which the Scorpio of the petitioner bearing Reg. No. BR27E-2456 has been confiscated in most illegal and arbitrary manner in complete violation of principle of natural justice.

III. Also to direct the respondents to release the Scorpio vehicle of the petitioner bearing Reg. No. BR27E-2456 in favour of the petitioner, which has been seized in connection with Giriak (Katrisarai) P.S. Case No. 372 of 2018 u/s. 30/38/41 of Bihar Prohibition and Excise Act, 2016.

IV. Also for any other relief/reliefs for which the petitioner is found to be entitled in the eye of law.”

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