

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13281 of 2021

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Rajdeo Sah @ Rajdeo Sahu Son of Late Sri Ramchandra Sahu Resident of
Mohalla- Jagannathpur Bazar, Near Jagannath Mandir, Dhurwa, P.S.-
Dhurwa, District- Ranchi (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The Principal Secretary Excise Department, Government of Bihar, Patna.
3. The Excise Commissioner Excise Department, Bihar, Patna.
4. The District Magistrate Gaya (Bihar).
5. The Senior Superintendent of Police Gaya (Bihar).
6. The Excise Inspector Sherghati-cum- Imamganj Circle, Gaya (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Binay Kant Mani Tripathi, Mr. Vishal Prasad, Advocates
For the Respondent/s	:	Mr.Vivek Prasad (Gp7)

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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):-

“For issuance of an appropriate writ in the nature of certiorari to quash the order dated 08.09.2020 passed by the Excise Commissioner, Bihar, Patna (respondent no.3) in Excise Appeal Case No.64/2020 (contained in Annexure-4) rejecting the appeal filed by the petitioner for releasing the vehicle which is one Mahindra Bolero Pick-up van bearing registration No.JH01CXY-4480 and also for quashing the order dated 09.03.2020 passed by the District Magistrate, Gaya (respondent no.4) in confiscation case No.348/2019 (contained in Annexure-3) by which the respondent no.4 was pleased to confiscate the aforesaid Mahindra Pick-up van bearing registration No.JH01CY-4480 of the petitioner under Section 58 of Bihar

Prohibition and Excise Act and further pleased to pass order for public auction of the aforesaid vehicle as well as for a direction to respondents to release the aforesaid vehicle in favour of the petitioner and / or for any other appropriate relief(s) to the petitioner for which he may be found entitled to 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)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.07.2021
Transmission Date	NA