

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13333 of 2021

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Rishi Kant Singh S/o Brij Bihari Singh Resident of Village- Mahisauri, Babu Tola, Jamui, P.S. and Dist.- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar Through Collector cum District Magistrate, Banka.
2. Commissioner Excise, Bihar, Patna.
3. Collector cum District Magistrate Banka.
4. Superintendent of Police Banka.
5. Excise Superintendent Banka.
6. ASI of Prohibition and Excise Sadar Circle cum Katoriya Circle, Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh, Advocate
For the Respondent/s : Mr. Kumar Manish, S.C. 5

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(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 : 30-07-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief(s):-

- (i) “That, for quashing and setting aside the appellate order dated 03.05.2021 passed in Excise Appeal Case No. 235/2021 contained in Memo No. 479 Patna, dt. 03.05.2021 by Id. Commissioner Excise, Bihar, Patna as well as its original confiscation order dated 25.01.2021 passed in Confiscation (Prohibition and Excise) Case No. 596/19-20 by Id. Collector-Respondent No. 3, arising out of Excise Case No. Ex-01/20,

registered for the offences U/s 30(a) of Bihar Prohibition and Excise (Amendment) Act, whereby and where under seized Scorpio vehicle of appellant bearing registration No. BR-46P-8085 has been ordered to be confiscated by exercising power conferred u/s 58 of the Bihar Prohibition and Excise (amendment) Act by respondent no. 3.

(II) That, petitioner further prays for consequential order of release of seized Mahindra make Scorpio vehicle of petitioner bearing registration No. BR-46P-8085 in his favour.

(III) That, during pendency of this petition stay the operation impugned order of confiscation dated 25.01.21 passed in Confiscation (Prohibition and Excise) Case No. 596/19-20 by Id. Collector-Respondent No.3, arising out of Excise Case No. Ex-01/20, and further respondent may kindly be directed to keep the vehicle in safe condition.

(IV) That, for any other relief(s) for which petitioner is found entitled on the facts of this case and also 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 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 already 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