

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13886 of 2021

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Nagendra Singh Son of Awadh Bihari Singh Resident of Village- Anandpura,
P.S.- Aurangabad, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Patna, Bihar.
2. The Commissioner of Excise, Govt. of Bihar, Patna.
3. The District Magistrate, Aurangabad, Bihar.
4. The Addl. Collector, Aurangabad, Bihar.
5. The Superintendent of Police, Aurangabad, Bihar.
6. The S.H.O. of town Police Station, Aurangabad, Bihar.

... .. Respondent/s

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice /Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences /offices.)

Appearance :

For the Petitioner/s	:	Ms.Rupa Kumari, Adv
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)

Date : 16-08-2021

Heard learned counsel for the parties.

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

“That this is an application for issuance of a
writ in the nature of certiorari and/or for an appropriate

writ for quashing the order dated 23/02/2021, passed by respondent no. 2 in Excise Appeal No. 121/2021, Nagendra Singh Vs. District Magistrate, Aurangabad & Others”, by which learned respondent no. 2 has rejected the excise appeal filed by the petitioner and confirm the order passed by respondent no. 4 dated 15/09/2020//22/12/2020 and also to quash the order dated 15/09/2020//22/12/2020 passed by respondent no. 4 in Excise (Confection) case no. 241/2020//630/2019, “State Vs. Nagendra Singh” by which learned respondent no. 4 has directed to confiscate the vehicle in question i.e. BR-26PA-0578 on the ground that illicit liquor was recovered from the vehicle in question and/or pass any other order/orders, direction/directions as deems fit and proper in the fact and circumstances of the case and till disposal of the present writ petitioner order dated 23/02/2021 & 15/09/2020/22/12/2020 should be stayed.”

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 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