

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14256 of 2021

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Kumar Gourav S/o Digambar Prasad Verma R/o Village Kharaiya Basti ward
no. 03, P.S.- Araria within District- Araria.

... .. Petitioner/s

Versus

1. The District Magistrate Araria.
2. The Excise Commissioner Bihar, Patna.
3. The S.D.O. Araria.
4. The Superintendent of Police Araria.
5. The Superintendent of Excise Araria.
6. The S.H.O. Araria Police Station Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anupa Nand Jha, Advocate
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 : 24-08-2021

Heard learned counsel for the parties.

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

“1. The present petition is being preferred by the
petitioner for quashing the order dated 09.02.21 passed by the
learned Excise Commissioner Bihar Patna in Excise Appeal
Case No.158/20 who affirm the order dated 03/08/20 passed by
the Court of SDO Araria.

2. Further be prayed for quashing the order of the
learned Court of learned S.D.O. Araria in confiscation case

No.503/2019 on 03/08/2020 under the provisions of the Section
58 of the Bihar Excise Act, 2016.”

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 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	26.08.2021
Transmission Date	NA