

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14353 of 2021

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Mithun Yadav alias Mithun Kumar son of Paramansh Yadav alias Paramhans Yadav alias Paramhans Sahani resident of village Ramkusum Daldal, P.S. - Mor, District- Asansol (Bardhaman), State West Bengal.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Excise Commissioner, Government of Bihar, Patna.
3. The District Magistrate - cum - Collector, Darbhanga, District Darbhanga.
4. The Officer In - Charge, Sadar (Mabbi O.P.), P.S. - Sadar, District Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar, Mr. Aditya Pandey, Mr. Rani Kant Kumar, Mr. Navneet 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 : 24-08-2021

Heard learned counsel for the parties.

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

“A. A writ in the nature of certiorari or any other appropriate writ/s, order/s, direction/s for:-

I. For quashing the order dated 16.03.2021 as contained in Memo No360 passed by the Commissioner Excise, Headquarter, Bihar, Patna in Excise Appeal Case No.211 of 2021 whereby and whereunder the said Commissioner Excise, Bihar, Patna rejected the appeal on the ground that there is no evidence

on record showing that the vehicle was not being used for carrying foreign liquor and thus, upheld the order of Collector, Darbhanga, and further directed the said vehicle bearing no.WB-37D-1098 be forfeited.

B. A writ in the nature of mandamus or any other appropriate writ, order/s, direction/s quashing the following:-

I. To stay of operation of order dated 16.03.2021 till the disposal of this present writ application.

II. For a direction to release the vehicle bearing registration no.WB-37D-1098, in relation to Sadar (Mabbi O.P.) P.S. Case No.372 of 2019 registered for the offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 as amended till 2018; on the ground that the respondent authorities have failed to appreciate the facts and circumstances involved in the case and have grossly erred in directing for confiscation of the said vehicle.

C. For any other relief/reliefs for which the petitioner is entitled for.”

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	26.08.2021
Transmission Date	NA