

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14597 of 2021

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Ashok Choudhary, son of Late Laxmi Narayan Choudhary, resident of Ward No. 8, Near Ram Janki Mandir, Ekmi Ghat, P.S. Bahadurpur, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Secretary Home (Police), Department of Bihar, Patna.
2. The Principal Secretary, Excise and Prohibition Department, Government of Bihar, Patna.
3. The District Magistrate, Darbhanga.
4. The Director General of Police, Bihar, Patna.
5. The Superintendent of Police, Bhojpur.
6. The S.H.O. Bahadurpur, Police Station, District - Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amarendra Narayan
For the Respondent/s : Mr. Vikash Kumar (Sc-11)

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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 : 13-09-2021

Heard learned counsel for the parties.

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

“That this writ petition is being filed for issuance
of writ of appropriate nature, order or direction
quashing/setting aside the order of Commissioner
Excise Bihar, Patna dated 18.06.2021 passed in Excise
Appeal Case no. 313/2021 (Ashok Kumar Choudhary vs



Collector Darbhanga & Ors) affirming confiscation order of the Collector Darbhanga dt. 18.12.2020 passed in Confiscation case no. 209/2020 (Arising out of Bahadurpur P.S Case no. 134/2020), confiscating petitioner's Blue and white color Apache Motorcycle bearing Registration No. BR07AK-7634, Chassis No. MD637CE77K2100800, Engine No. CE7LK2300834 seized by the respondents.

The petitioner also prays for consequential orders for quashing of the order of the Collector Darbhanga dt.18.12.2020 passed in Confiscation case no. 209/2020(Arising out of Bahadurpur P.S. Case no. 134/2020); and for issuance of writ of appropriate nature commanding respondents to release the Blue and white color Apache Motorcycle bearing Registration No.- BR07AK-7634, Chassis No. MD637CE77K2100800, Engine No. CE7LK2300834 seized by the respondents in connection with Excise Case No. 209/2020 arising out of Bahadurpur P.S. case No. 134/2020 for the alleged offences under section 30(a) of the Bihar Prohibition and Excise Act, 2016; The petitioner also prays for issuance of other appropriate writ/writs, direction/directions, order/orders in the facts and circumstances of this case.”

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 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)

Shageer/-

AFR/NAFR	
CAV DATE	
Uploading Date	17/09/2021
Transmission Date	

