

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15386 of 2021

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Sanjay Harijan, Son of Bootan Harijan, Resident of Village-Bhusia, Police Station-Rajoun, District-Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Excise Commissioner, Bihar, Patna.
2. The Superintendent of Police, Banka.
3. The Superintendent of Excise, Banka.
4. The Prohibition and Excise Inspector, Banka.

... .. 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 : Mr.Pankaj Kumar, Adv

For the Respondent/s : Mr.Vivek Prasad GP-07

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 13-09-2021

Heard learned counsel for the parties.

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

“A. A writ in the nature of certiorari for quashing the order dated 01.06.2021 passed by the learned Excise Commissioner, Bihar, Patna, in Excise Appeal No. 175 of 2021 whereby and whereunder he disallowed the appeal mechanically and accordingly, affirmed the order dated 27.11.2020 passed by the learned Collector, Banka in Confiscation (Excise) Case No. 456 of 2019-20.

B. A writ in the nature of certiorari for quashing the order dated 27.11.2020 passed by the learned Collector, Banka in Confiscation (Excise) Case No. 456 of 2019-20 arising out of Excise Case No. 90 of 2019 and whereby and whereunder he confiscated the vehicle 'TATA MAGIC MANTHARA PASSENGER VEHICLE' bearing registration no. BR51P-0873, Chassis No. MAT445164JVPB1432, Engine No. 08L-TDICRAILO8PRYSK4496.

C. A writ in the nature of 'Mandamu' or any other writ/writs, order/orders, direction commanding the respondents to release the vehicle 'TATA MAGIC MANTHRA PASSENGER VEHICLE' bearing Registration no. bearing registration no. BR51P-0873, Chassis No. MAT445164JVPB1432, Engine No. 08L-TDICRAILO8PRYSK4496 of the petitioner which has been seized in connection with Excise Case No. 90 of 2019 and accordingly, the learned Collector, Banka passed the order to confiscate the offended vehicle vide Confiscation (Excise) Case No. 456 of 2019-20 dated 27.11.2020."

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 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