

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15471 of 2021

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Amrendra Kumar Pandey Son of Awadhesh Prasad Pandey Resident of
Mohalla-Kayasth Tola Near Shiv Mandir Ward No.-29 Saharsa P.S.-Saharsa
District - Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar Through Chief Secretary Old Secretariat Bihar Patna.
2. The Additional Chief Secretary Excise Department Government of Bihar Patna.
3. The Commissioner Excise Department Patna.
4. The Commissioner Koshi Division Saharsa.
5. The District Magistrate Saharsa.
6. The Superintendent of Police Saharsa.
7. The Excise Superintendent Saharsa.
8. The Excise Inspector Saharsa.
9. The Motor Vehicle Inspector Saharsa.
10. The District Transport Officer, Saharsa.
11. The SHO Bakhtiyarpur P.S. District-Saharsa.
12. The Incharge Officer Revenue Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate
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 : 14-09-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

(I) For setting aside the order dated 16.1.2021 passed by the District Magistrate Saharsa in confiscation case No.511/2020-2021 as contained in Annexure-3 to the petition whereby and whereunder the Tata Tiago Car bearing registration No.BR-19N 5878 of the petitioner seized in connection with Bakhtiyarpur P.S. Case No.294/2020 has been confiscated and direction for auction has been given.

(ii) For setting aside the order dated 26/3/2021 passed by the Commissioner Excise Bihar Patna in Excise Appeal No.219/2021 as contained in Annexure-4 to this petition whereby and whereunder the order dated 16.1.2021 of the District Magistrate Saharsa in confiscation case No.511/2020-2021 as contained in Annexure-3 has been confirmed.

(iii) For direction to release the aforesaid Tata Tiago car bearing registration No. BR19N-5878 in favour of the petitioner.

(iv) For stay of the operation of the aforesaid order of the District Magistrate Saharsa dated 16.1.2021 passed in confiscation case No.511/2020-2021 as contained in Annexure-3 and the order aforesaid dated 26/3/2021 by the Commissioner Excise Bihar Patna in Excise Appeal No.219/2021 as contained in Annexure – 4 to this petition during pendency of this application.

(v) For any other relief(s) /directions to which the petitioner is entitled.

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 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	16.09.2021
Transmission Date	NA