

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15551 of 2021

=====

Priyanshu Kumar Sinha @ Amol Kumar @ Priyanshu Kumar Son of Sanjay Kumar Resident of - New Area Bisar Tank, Police Station- Civil Lines Town, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Prohibition Excise and Registration Department, Government of Bihar, Patna.
2. The Commissioner, Prohibition and Registration Department, Government of Bihar, Patna.
3. The District Magistrate, Gaya.
4. The S.H.O. Rampur Police Station, Gaya.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey, Advocate
For the Respondent/s : Mr.Vivek Prasad (Gp7)

=====

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 : 16-09-2021

Heard learned counsel for the parties.

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

“(i) To issue an appropriate writ/order/direction particularly in the nature of writ of certiorari for setting aside the order dated 22.12.2020 passed by the Commissioner Excise, Government of Bihar (respondent no.) in Excise Appeal No.178/2020 affirming the order of the District Magistrate, Gaya dated 12.09.2020 passed in confiscated case No.390/2020 whereunder a confiscation proceeding u/s 56 of the Bihar Prohibition & Excise Act was initiated against a Tata Tiago Car bearing registration No. BR-02V-6549 confiscating the same, directing the Assistant Excise Commissioner, Gaya to hold public auction of the car after getting its value assessed by the Motor Vehicle Inspector, Gaya and rejected the Excise Appeal No.178/2020.

(ii) For a direction to the respondent authority to release the car on proper and reasonable security to be furnished by the petitioner.

(iii) To grant any other relief/reliefs for which the petitioner is found to be entitled in the facts and circumstances of the 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 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	17.09.2021
Transmission Date	NA