

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15759 of 2021

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Harideo Kumar Son of Ramvinod @ Ramgovind Kumar Resident of Village-
Sinuar Gopal, P.S.- Bahadurpur, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Government of Bihar.
2. The Principal Secretary Department of Excise, Government of Bihar, Vikas Bhawan, Bihar, Patna.
3. The Excise Commissioner Department of Excise, Government of Bihar, Vikas Bhawan, Bihar, Patna.
4. The Collector District- Jamui.

... .. 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.Ugranath Mallik, Adv
For the Respondent/s : Mr.Vikash Kumar (SC11)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 16-09-2021

Heard learned counsel for the parties.

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

“That this is an application for issuance of a writ in the nature of certiorari for setting aside the order dated 19.07.2021 passed in memo Excise Appeal No. 397/2021-604(Annexure-4) by which the learned Excise Commissioner, Patna, dismissed the appeal without applying judicial mind and also setting aside the order dated 11.06.2021 passed in Confiscation Case No. 44/2021(Annexure-3) by learned District Magistrate cum Collector, Jamui arising out of Sono PS Case No. 65/2021 instituted U/s 272, 273 of the Indian Penal Code and Section 30(a)/37(c)/41 of the Bihar Excise and Prohibition Act, 2016, and kindly direct the learned District Magistrate cum Collector, Jamui to release the vehicle (Scorpio) bearing registration no. BR 07PB

1245 of the petitioner because the vehicle in question seized merely on the false and fabricated grounds.”

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 the 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 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