

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16111 of 2021

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Jai Kumar, Son of Laddu Sahani, Resident of Village - Bakhari Dua, Police Station- Goraul, District - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Additional Chief Secretary, Prohibition Excise and Registration Department, Bihar, Patna.
3. The Excise Commissioner, Bihar, Patna.
4. The Collector, Aurangabad.
5. The Senior Deputy Collector cum Presiding Officer, Aurangabad.
6. The Superintendent of Police, Aurangabad.
7. The Excise Superintendent (Prohibition), Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Advocate
For the Respondent/s : Mr.Vivek Prasad (G.P. 7)

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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 : 21-09-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief(s):-

“That this is an application for issuance of a writ in nature of nature of certiorary to quash the order dated 02.03.2021 passed in Excise Confiscation Case No. 57 of 2021 by the Senior Deputy Collector cum Presiding Officer, Aurangabad as contained in Memo No. 137 dated 04.03.2021 whereby and where under a

direction has been issued to the Superintendent, Excise & Prohibition Aurangabad to confiscate Mahindra Bolero Pick up No. BR 31GB-3009. And, also to quash the order dated 03.08.2021 passed in Excise Appeal Case No. 379/2021 by the Excise Commissioner, Bihar, Patna as contained in Memo No. 644 dated 03.08.2021 whereby and where under the appeal of the petitioner has been rejected on the nonest ground.

And further for issuance of a consequential writ in the nature of mandamus commanding and directing the authorities to release the vehicle Mahindra Bolero Pick Up No. BR 31GB-3009 in favour of the petitioner as the petitioner has not violated any provisions of the Excise and Prohibition Act-2018 and the orders under challenge are suffering from gross infirmity.

And/or issue any other appropriate writ/writs, direction/directions, order/orders which the petitioner may be found just and proper for the ends of justice in the facts and circumstances stated hereunder.”

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)

veena/rajiv-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA