

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1250 of 2021

=====

Nand Kishore, Son of Mange Ram, Resident of House No. 409, Deoli Village, Deoli, P.S.-Nebsarai, South Delhi, Delhi-110062. At present Resident of Ward No. Adarsh Nagar, Mohalla-Bargaw Road, Khekhra, P.S.-Baghpat, District-Baghpat (U.P.) and Owner of Bus No. UP-17 AT-5345.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Prohibition and Excise, Govt. of Bihar, Patna.
3. The Commissioner, Prohibition and Excise, Govt. of Bihar, Patna.
4. The District Magistrate, Muzaffarpur.
5. The Senior Superintendent of Police, Muzaffarpur.
6. The In-charge of Ahiyapur Police Station in the district of Muzaffarpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Lakshmi Kant Sharma, Advocate
For the Respondent/s	:	Mr. A.C. to A.G

=====

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

Date : 09-03-2021

This writ petition has been filed for quashing the order dated 23.9.2020 passed in Excise Appeal Case No.65 of 2019 passed by Commissioner, Prohibition and Excise, Bihar, Patna affirming the order dated 17.08.2019 passed by Collector, Muzaffarpur in confiscation case no.40/2019-20 by which the seized bus bearing registration No. UP-17 AT -5345 has been confiscated and directed to be auctioned sold.

Petitioner has approached this Court without exhausting



the statutory remedy of revision against the order passed by the appellate authority, as such, the writ petition is disposed of with liberty to petitioner to avail the statutory remedy of revision against the order passed by the appellate authority and if any such revision is filed before the Revisional Authority within four weeks, the Revisional Authority shall condone the delay in filing revision petition, as the matter remained pending before this Court and shall decide the revision on merit within eight weeks from the date of filing of such revision petition.

The confiscated vehicle shall not be auctioned sold during pendency of revision petition, if not already auctioned sold.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.03.2021
Transmission Date	NA

