

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2481 of 2021

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Sudhir Kumar, S/o Satyanarayan Yadav @ Saty Narayan Yadav, Resident of
Village-Belhi, P.S.-Tharbitia, District-Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Excise Commissioner, Bihar, Patna.
2. The District Magistrate cum Collector, Supaul.
3. The Superintendent of Police, Supaul.
4. The Officer Incharge, Raghopur Police Station, District-Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary, Advocate
For the Respondent/s : Mr. Kumar Manish, S.C. 5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 26-03-2021

Heard the parties.

Petitioner has prayed for following relief(s):-

“(i) For quashing of an order dated 19.08.2020 passed by the learned Collector, Supaul in Confiscation Case No. 250 of 2019 as well as an order dated 23.09.2020 passed by the learned Excise Commissioner in Excise Appeal Case No. 87 of 2020, contained in Annexure-4 and 5 respectively, whereby and whereunder while the vehicle in question of the petitioner has been confiscated, the said order has been affirmed in appeal.

(ii) For a direction to the Respondents to release the vehicle of this petitioner, i.e. a Truck, bearing it's Registration



No. BR11GA9018, which has been illegally seized by the Officer In-charge of Raghapur Police Station in Raghapur P.S. Case No. 81 of 2019 registered under Section 30(a) of Bihar Prohibition and Excise Act, 2016 and is kept in open sky within the campus of said police station.

(iii) For any other relief or reliefs, the petitioner is entitled for.”

Petitioner has filed this writ petition for setting aside the order passed by the Excise Commissioner in Excise Appeal Case No. 87 of 2020 affirming the order dated 19.08.2020 passed by the Confiscating Authority-cum-Collector, Supaul in Confiscation Case No. 250 of 2019 by which vehicle of the petitioner has been ordered to be confiscated and put on sale by public auction.

Petitioner has approached this Hon'ble Court without exhausting his remedy of revision against the impugned order, as such, writ petition is disposed of with liberty to petitioner to file revision against the order as impugned before the revisional authority within four weeks and, if any, such revision petition is filed by the petitioner, the revisional authority shall condone the delay in filing revision petition and shall decide the revision petition within eight weeks from the date of its filing on its own merit.



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

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.04.2021
Transmission Date	NA

