

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16904 of 2021

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Prem Ranjan Mauar, S/o Lallu Mauar, Resident of Village-Itahat (Mauar Khaira), P.S. Barun, District-Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Prohibition and Excise Department, Bihar, Patna.
2. Excise Commissioner, Bihar, Patna.
3. District Magistrate, Aurangabad.
4. Officer-in-Charge, Police Station-Barun, District-Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Pandey, Advocate
		Mr. Bachan Jee Ojha, Advocate
For the Respondent/s	:	Mr. Vikash Kumar (S.C.11)

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

Date : 03-12-2021

Heard learned counsel for the parties.

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

- “(i) For issuance of an appropriate writ in the nature of certiorari for quashing the order dated 27.07.2021 passed in Excise Appeal No. 409/2021 passed by learned Excise Commissioner, Bihar, Patna by which learned Appellate Authority confirmed the order dated 05.03.2021 passed in vehicle Confiscation Case No. 530/2019/138/2021 passed by learned Senior Deputy Collector-cum-Presiding Officer Excise No. 5, Aurangabad by which the Maruti Car Alto K-10 vide registration No. BR-01DU 9763 was confiscated illegally in Excise Complaint Case No. 1051/2019 registered U/s 30(a) of Bihar Prohibition and Excise Act.
- (ii) For issuance of appropriate writ in the nature of mandamus directing the respondent authority to release the confiscated car as stated above in favour of the petitioner

who is registered owner of the car.
(iii) To grant any other relief/reliefs to which the petitioner may be found entitled to 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 on its own merit preferably within 8 weeks from the date of its filing.

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)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	