

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3522 of 2021**

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Md. Sohil Nabi @ Sonu, Son of Md. Razi Ahmad @ Chhotan, Resident of Village-Gagan Diwan P.S.-Laheer, District-Nalanda, Add.-Garh More Nawabhat, P.S.-Burdwan Sadar Burdwan, District-Burdwan 713101.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Appellate Authority Cum Commissioner Excise, Bihar Excise Department, New Secretariat, Baily Road, Patna.
3. The District Magistrate, Nalanda at Bihar Sharif.
4. The Superintendent of Police, Nalanda at Bihar Sharif.
5. The Police Inspector Cum S.H.O. Laheti Police-Station-

... .. Respondent/s

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(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

**Appearance :**

For the Petitioner/s : Mr.Pramod Kumar Sinha, Adv  
For the Respondent/s : Mr. Vivek Prasad GP-7

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE S. KUMAR**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE S. KUMAR)**

**Date : 03-05-2021**

Heard learned counsel for the parties.

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

“For setting aside the order dated 17.02.2020 passed in confiscation case no. 241/2019 whereunder and where by the District Magistrate cum Collector, Nalanda at Bihar Sharif has pleased to confiscate the vehicle Truck Model Tata 3118-C bearing registration No. WB-41-G-7084, Engine No. B591803241F63381072, Chassis No. MAT466420E3F13361, which was seized in connection with Laheri PS Case No. 464/2019, registered under Section 30(A) of Bihar Prohibition



and Excise Amendment Act 2016 and also directed to auction the above seized Truck at minimum floor price.

(ii) For setting aside the order dated 03.09.2020 passed in Excise Appeal Case No. 53/2020 by the Appellate Authority cum commissioner Excise, Bihar Excise Department, New Secretariat, Baily Road, Patna, whereunder and where by the learned Appellate Authority cum Commissioner, Excise without considering the facts as well as materials available on record, has been pleased to reject the appeal and affirmed the order 17.02.2020 passed by the District Magistrate cum Collector, Nalanda at Bihar sharif.

(iii) For a direction to the respondents to release the seized vehicle Truck Tata 3118C bearing Registration No. WB-41-G-7084, Engine No. B591803241F63381072, Chasis No. MAT466420E3F13361, in favour of the petitioner, who is the sole owner of the seized vehicle.”

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 8 weeks, then Revisional Authority shall condone the delay in filing the revision petition and 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/-

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