

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18773 of 2021

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Afreen Sultana wife of Syed Naushad Un Nabi resident of D A V Colony,
Rani Tala, G.T. Road, Asansol, District- Burdwan, West Bengal, at present
resident of Mohalla- Garhpar, Police Station- Biharsharif, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Excise and Prohibition, Government of Bihar, Patna.
2. The Commissioner, Excise, Government of Bihar, Patna.
3. The District Magistrate, Patna.
4. The Assistant Commissioner, Excise, Patna.
5. The Superintendent of Excise, Patna.
6. The Senior Superintendent of Police, Patna.
7. S.H.O., Jakkarpur, Police Station, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ram Pravesh Nath Tiwari, 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 : 23-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief(s):-

- (i) For issuance of appropriate writ/ writs, in the nature of writ of certiorari for the quashing the order dated 20.09.2021 passed in Excise Appeal Case no. 600/2021 by the Respondent No. 2, whereby the said respondent has dismissed the appeal of the petitioner on improper grounds and thereby

declined to release the bus of the petitioner, bearing registration number WB- 47-1539.

(ii) For quashing of order dated 24.07.2021, passed in Vehicle Confiscation Case No. 1566 of 2020-21, by the Excise Court of Senior Deputy Collector, Patna -cum- Conducting Officer, whereby the learned court has ordered for confiscation of the bus of the petitioner bearing registration no. WB- 47-1539.

(iii) For direction/directions to the respondent, directing them to release the Delux Bux of the petitioner bearing registration number WB 47 1539, Engine No. 61B84287535, Chassis No. MAT 412352 GODO 2634, seized in connection with Jakkanpur P.S. Case No 398 of 2020.

(iv) For issuance of any other relief/reliefs to which petitioner may be entitled to to the facts and circumstances 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 auction sold.

With aforesaid liberty, the writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	