

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20200 of 2021

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Sandeep @ Sandeep Kumar Jaiswal S/o of Parmeshwar Dayal Resident of
572, Amawan, P.O. - Amawan, P.S. - Amawan, Dist. - Rae Bareli (U.P.)
-229306.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Principal Secretary, Excise and Prohibition Department, Government of Bihar, Patna.
3. The Commissioner, Excise and Prohibition Department, Government of Bihar, Patna.
4. The District Magistrate Cum Collector, Kaimur (Bhabhua).
5. The Senior Deputy Collector In- charge, Legal, Kaimur (Bhabhua).
6. The Superintendent of Police, Kaimur (Bhabhua).
7. The Officer - In Charge, Excise, Mohania Check Post Kaimur (Bhabhua).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajat Kumar Tiwary, Advocate Ms. Deepika Sharma, Advocate
For the Respondent/s	:	Mr.Kumar Manish, SC-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 petitioner and learned
counsel for the State.

Petitioner has prayed for the following reliefs: -

- “i) To issue a writ/order/direction in the nature
of certiorari for quashing the judgment and
order dated 31.08.2021 in Excise Appeal
Case No.- 501 of 2021 passed by The



Learned Commissioner, Excise and Prohibition Department, Government of Bihar, Patna. (Annexure __).

- ii) To issue a writ/order/ direction in the nature of certiorari for quashing the judgement and order dated 22.06.2021 in Vehicle Confiscation Case No. 346 of 2020 passed by the Learned Senior Deputy Collector In-charge, Legal, Kaimur, Bhabhua, (Annexure ____) of the writ petition.
- iii) To issue a writ/order/direction in the nature of mandamus directing the respondents to release the Vehicle, which was seized in Excise P.R. Case No.- 16 of 20-21 dated 10.10.2020, which belongs to the petitioner bearing Registration No.- UP-32-LR-1453, Engine No.- 2GDA418218, Chasis No.- MBJJBB8EM501584505-0720 and the petitioner is entitled for release of the vehicle in light of the order dated 25.03.2021 passed by this Hon'ble Court in CWJC No.-1669 of 2021.
- iv) To pass an ex-parte/interim relief preventing the respondents from auction process of the said vehicle till the disposal of this case.
- v) To any other relief or reliefs for which the petitioner is found to be entitled 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 preferably within 8 weeks from the date of its filing on its own merit.



During pendency of revision petition, confiscated property/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)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	03.01.2022
Transmission Date	

