

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8670 of 2022

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Jayram Kumar S/o Nandu Yadav, Resident of Village-Nagpur, P.S.-
Warisaliganj, District-Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Divisional Commissioner, Excise Department, Patna Division, Patna.
3. The District Collector, Kaimur at Bhabhua.
4. The District Superintendent of Police, Kaimur at Bhabhua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate
For the Respondent/s : Mr. Vikash Kumar (SC- 11)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

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

Date : 08-07-2022

Heard learned counsel for the parties.

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

- (i) In release the Bolero vehicle bearing Registration No. BR27E-9798 which was seized by the Respondents authorities in connection with Mohniya P.S. Case No. 257/2020 for the offence registered under section 37(i)(ii) and 30(a) of the Excise Case.

(ii) For that the confiscation case has been initiated bearing Kaimur (Bhabhua) Confiscation Case No. 53/2021 but the confiscation case is not conclude till now.

Petitioner has approached this Court without exhausting the statutory remedy of revision against the impugned order, as such, petitioner is granted liberty to avail the remedy of revision against the appellate order passed by the Excise Commissioner,

Patna before the revisional Authority and if any such revision is filed within 4 weeks then revisional authority shall condone the delay in filing the revision and shall decide the revision on its own merit preferably within 8 weeks from the date of its filing.

During pendency of revision, the confiscated property/ vehicle shall not be auction sold, if not already auction sold.

OR

Petitioner shall also have option to get his vehicle released on payment of penalty in view of insertion of Rule 12(A) by amending the Bihar Prohibition and Excise Rules, 2021.

The writ petition is disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	