

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11991 of 2022

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Santosh Kumar son of Maheshwar Prasad Yadav, resident of Village -
Ramjani, Ward No. 04 Rupauli Milik, P.S.- Jankinagar, District - Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The District Magistrate-Cum- Collector, Purnia.
3. The Superintendent of Police, Purnia.
4. The Deputy Superintendent of Police, Purnia.
5. The Sub Inspector of Police Dagura Police Station, District – Purnia.

... .. Respondent/s

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(The proceedings of the Court are being conducted by Hon’ble the Chief Justice /Hon’ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences /offices.)

Appearance :

For the Petitioner/s	:	Mr.Ranjay Kumar Singh, Adv
For the Respondent/s	:	Mr.Vivek Prasad (GP7)

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**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT**

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 02-09-2022

Heard learned counsel for the parties.

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

- (i) For quashing of order dated 06.12.2021 passed by Excise Commissioner ,Bihar ,Patna in Excise appeal No.735 of 2021 whereby and where under the learned commissioner has rejected the appeal preferred by the petitioner for

release the vehicle in favour of the petitioner which is confiscated by the respondent no 2 respondent.

- (ii) For quashing of order dated 24.08.2021 passed by the Learned Collector Purnia in confiscation (Excise) Case No.245 of 2021 whereby and whereunder Learned Collector Purnia has order to confiscate Scorpio Vehicle bearing registration No.BR11T9222, Chassis No.SJF4G15287 Engine No.MALTA2SJXF2G46570 of the petitioner .

- (iii) For farther prayed after quashing of both the order

passed by Excise Commissioner Patna in Excise Appeal Case No.735 of 2020-21 and order passed by Learned Collector Patna in Confiscation case No. 245 of 2021 release the vehicle of the petitioner in his favour.

- (iv) To grant any other relief or reliefs under the facts and circumstances of the case to which the petitioner is found entitled . .

Petitioner has approached this Court without availing the statutory remedy of revision against the impugned order, as such, liberty is granted to petitioner to file revision against the impugned appellate order 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 petition on its own merit preferably within 8 weeks from the date of its filing.

During pendency of appeal, the confiscated vehicle/property shall not be auction sold.

Petitioner is also at liberty to get his/her vehicle released on payment of penalty in terms of Rule 12(A) inserted by amending Bihar Prohibition and Excise Rules, 2021.

With said observation and direction, this writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA