

(2021) 06 PAT CK 0089

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 8171 Of 2021

Uttam Kumar

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 24-06-2021

Acts Referred:

Citation : (2021) 06 PAT CK 0089

Hon'ble Judges : Sanjay Karol, CJ;S. Kumar, J

Bench : Division Bench

Advocate : Ram Shankar Das, Kumar Manish

Final Decision : Disposed Of

Judgement

Heard the parties.

Petitioner has prayed for following relief(s);-

i. To Quash the order dt. 13.03.2020 passed in Excise Case No. 54 of 2020 whereby the learned Collector, Purnea without perusing the show-

cause filed by the petitioner and without perusing the records passed the order by saying that the material was kept for transportation whenever no

transportation was made from one place to another place.

ii. To quash the order dt. 23.09.2020 passed in Appeal Case No. 66 of 2020 whereby the learned Excise Commissioner, Bihar Patna rejected the

Appeal without perusing the material available on records by conforming the order of Collector whenever the order of confiscation is unjust, improper

otherwise bad in law. So that the petitioner is challenging both the orders in question.

iii. To direct the Respondents authority to release forthwith the vehicle private car Skoda Octiva, bearing its registration No. BR01CE0009 having

Engine No. CJS094950 and Chesis No. TMBBDCNE9FA006448 to the petitioner which has been seized in C.I. Case No. 256 of 2019 and pending in

the Court of Sub-judge Excise Act, Purnea, in C.I. Case No. 256 of 2019, which has been kept in Purnea and seizure list was prepared on 03.09.2019

by the A.S.I. Excise, Purnea.â??

It is submitted on behalf of learned counsel for the state that this petition has been filed against the order passed by the Excise Commissioner, who is

the Appellate Authority and petitioner has not exhausted the remedy of revision against the said order.

The writ petition is disposed of with liberty to the petitioner to file a revision petition against the order passed by the Appellate Authority and, if any,

such revision is filed within a period of four weeks, revisional authority shall condone the delay and decide the revision petition within eight weeks on

merit.