

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1254 of 2016

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Smt. Nilu Choudhary, Wife of Sri Arvind Kumar Verma, Resident of
P.H.E.D. Colony, Ford Company Chowk P.S.-K.Hat, District-Purnia

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Excise Department, Govt. of Bihar, Patna
3. The District Magistrate, Purnia
4. The Superintendent of Police, Purnia
5. The Officer in-Charge, Sadar P.S., Purnia

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Mishra

For the Respondent/s : Mr. Pushkar Narain Shahi (AAG6)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 21-03-2017

The State has filed a counter affidavit.

The petitioner has invoked the writ jurisdiction of this Court for quashing the order dated 11.07.2016 passed by learned C.J.M., Purnea in connection with Purnea Sadar P.S. Case No.194 of 2016 corresponding to G.R.No.1848 of 2016 (State Vs. Md. Nazir) registered for the offences under Sections 272 and 273 of the Indian Penal Code as well as under Section 47 of the Bihar Excise (Amendment) Act, 2016, whereby the prayer of the petitioner to release the referred vehicle has been refused on the ground that there is provision for confiscation of such vehicle under Section 68C of the said Act. Section 68E of the Act reads as follows:-



“68E. Bar of jurisdiction in confiscation.- Whenever any liquor, material, still, utensil, implements or apparatus or any receptacle, package, any animal cart, vessel, or other conveyance used in committing any offence, is seized or detained under this Act, no court shall have, notwithstanding anything to the contrary contained in any other law for the time being in force, jurisdiction to make any order with regard to such property.”

In view of the aforesaid provision jurisdiction of the court is barred. Hence, the petitioner is at liberty to move the Collector concerned for release of the vehicle.

With the aforesaid observation, this writ application stands disposed of.

(Birendra Kumar, J)

Arvind/-

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