

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.523 of 2018

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Rajeev Kumar, son of Sri Dinesh Prasad Choudhary @ Dinesh Choudhary,
resident of Village- Fatehpur Kamali, Mahnar, (Ward No.- 8), P.S.-
Mahnar, District Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The Collector, Vaishali.
3. The Superintendent of Police, Vaishali.
4. The Police Inspector Sah Thanadhayaksha, Industrial Area, Police
Station, Hajipur, District Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ganga Prasad Bimal, Adv.

For the Respondent/s : Mr. Lalit Kishore-AG

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD**

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 21-02-2018 Having heard learned counsel for the parties and on

going through the documents available on record, particularly the

F.I.R. and the statement of witnesses, including the confessional

statement of the petitioner, we find that the amount of

Rs.60,000/- recovered from the jacket of the petitioner was on the

spot when an illegal transaction for sale and purchase of the

prohibited liquor was being undertaken and the amount seized is

not a material which has been confiscated under the Prohibition

and Excise Act but a seized material which is evidence for the



illegal transaction for which trial and investigation is pending.

That being so, at this stage when the trial is pending investigation, we are not inclined to release the amount of Rs.60,000/- as it is, in fact, an evidence with regard to the transaction in question and which has to be used by the Investigating Agency in the trial. Therefore, it is not a fit case where the amount of Rs.60,000/- can be returned back to the petitioner. The application is, therefore, dismissed.

The petitioner may seek release of the amount from the trial court after the challan is filed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.jha/-

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