

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3870 of 2019

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Kuldev Yadav aged about 18 years (Male), Son of Musharu Yadav @ Chhotelal Yadav, Resident of Village- Atari Maharajganj, P.O. and P.S.- Laukahi, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Department of Excise and Prohibition, Govt. of Bihar, Patna
2. The District Magistrate, Madhubani
3. The Superintendent of Police, Madhubani
4. The Asst. Commandant, G.Coy 18th BNSSB, Rajnagar, Madhubani, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav
For the Respondent/s : Mr.Kumar Manish (Sc5)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 07-03-2019

Heard learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

The petitioner prays for release of his Redmi Note
-5 (Black Colour) Mobile, which has been seized along with
other articles mentioned in the Seizure List, in connection with
G.O. No. 187 of 2018 registered under Section 30(a) of the
Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that
the seizure of mobile set is not permissible under the aforesaid



Act. The petitioner has been made accused in this case merely because he is a friend of the co-accused. He further submits that the confiscation proceeding has not yet been initiated, however petitioner undertakes to produce the mobile set as and when required in the case.

Having heard learned counsel for the parties and taking note of the nature of seizure made as also the undertaking given by the petitioner, we direct that the mobile in question be released forthwith within a fortnight in favour of the petitioner on production of ownership papers with respect to the mobile set in question before the designated Court below.

The writ petition is allowed.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Shailendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.03.2019
Transmission Date	NA

