

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12897 of 2018

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Rajeev Rai @ Rajeev Ray son of Nageshwar Ray, resident of village Shera
Bthua, P.S.- Pusha, District -Samastipur

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Excise Department,
Govt. of Bihar, Patna
2. The Director General of Police, Bihar, Patna
3. The Superintendent of Police, Vaishali at Hajipur
4. The District Magistrate-cum-Collector, Vaishali
5. The Dy. Superintendent of Police, Vaishali
6. The S.H.O. of Town Police Station, Hajipur, District- Vaishali
7. The Investigating Officer of Hajipur Town P.S. Case No. 207 of 2018,
District- Vaishali

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Umesh Kumar Singh
For the Respondent/s : Mr.Vivek Prasad -Gp7

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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 : 25-02-2019

Today is the second consecutive day when none
appears for the petitioner.

We have heard learned counsel for the State and we
have perused the records.

The petitioner prays for release of the cash amount
of Rs. 9,41,000/- together with the mobile phone bearing Sim
No. 7070563532, which has been seized in connection with
Hajipur P.S. Case No. 207 of 2018 for alleged violation of the
provisions of the Bihar Prohibition and Excise Act.



As we have observed above, today is the second consecutive day when none appears on behalf of the petitioner to press the writ petition, but in the nature of seizure made, we are satisfied to note that the respondents were not within their jurisdiction to make seizure either of cash or of mobile phone *de hors* the provisions of the Act.

In such view of the matter, we, hereby, direct the District Magistrate, Vaishali to examine the grievance of the petitioner and pass appropriate orders for the return of cash and the mobile phone seized from the petitioner, if not already returned, which order be passed within a fortnight of receipt/production of a copy of this order.

The writ petition is disposed of with above observations/directions.

(Jyoti Saran, J)

(Arvind Srivastava, J)

mcv/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.03.2019
Transmission Date	NA

