

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1974 of 2019**

=====

Bhola Kumar, Son of Raghubansh Rai, Resident of Village Mohalla Ashok  
Nagar, Road no.9(A), P.S. Kankarbagh, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,  
Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Senior Superintendent of Police, Patna.
4. S.H.O., Police Station, Kankarbagh, Patna.

... .. Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Premchandra Yadav, Adv.  
For the Respondent/s : Mr. Anil Kumar Sinha, GA-1

=====

**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**

**and**

**HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)**

**Date : 04-02-2019**

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

The petitioner prays for release of Rs.50,000/- (Fifty  
thousand) which has been seized in connection with  
Kankarbagh P.S. Case No.547 of 2017 for the offences  
punishable under sections 272, 273 and 290 of the Indian Penal  
Code and sections 30(a), 37(c) of the Bihar Prohibition and  
Excise Act, 2016.

Mr. Premchandra Yadav, learned counsel appearing  
for the petitioner submits that for the alleged recovery of five  
bottles of Royal Stag whiskey each containing 375 ml not only



the motorcycle has been seized but also Rs.50,000/- has been seized by the police which he had kept in his pocket. He submits that the petitioner is only concerned with the release of Rs.50,000/- because the motorcycle in question also seized belongs to another person.

Having heard learned counsel for the parties and taking note of the nature of seizure made we direct the concerned respondents to release Rs.50,000/- (Fifty thousand) forthwith in favour of the petitioner within 14 days from the date of receipt/production of a copy of this order.

The writ petition is allowed.

**(Jyoti Saran, J)**

**( Arvind Srivastava, J)**

Skpathak/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 18.02.2019 |
| Transmission Date | NA         |

