

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8896 of 2018

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Vikash Kumar Singh @ Vikash Kumar Son of Shankar Singh@ Sanjay Singh
Resident of Village- Gangara, P.S. Gidhaur, District- Jamui.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna
2. The District Magistrate-Cum-Collector, Samastipur, District- Samastipur.
3. The Superintendent of Police, Samastipur, District- Samastipur.
4. The Excise Superintendent, Samastipur, District- Samastipur.
5. The Station Head Officer, Dalsingsarai Police Station, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prakash Kumar
For the Respondent/s : Mr.Anil Kr. Sinha- GA1

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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.

Mr. Pawan Kumar, learned Assistant Counsel to Government Advocate No. 1, appears and submits that the writ petition is for release of Rs. 30,720/- alongwith two mobile sets of Intex make bearing Sim No. 9507070338 and Gionee



Android bearing Sim No. 8789549895, which have been seized in connection with Dalsingsarai P.S. Case No. 239 of 2017 for alleged violation of the provisions of the Bihar Prohibition and Excise Act.

It is the complain of the petitioner that for recovery of liquor from the truck and motorcycle that not only the vehicles have been seized, but even the cash as well as the mobile sets of the petitioner have been seized.

Having heard learned counsel for the State and having perused the record, we are of the opinion that even if the respondents were within their jurisdiction to make seizure of the vehicle in question, on the alleged recovery of liquor subject to decision of the confiscation proceedings, they had no jurisdiction to seize the cash amount or the mobile sets, the release of which is being prayed before this Court.

In such circumstances, while allowing the writ petition, we allow the prayer made with direction to the District Magistrate-cum-Collector, Samastipur to ensure that the cash and the mobile sets seized from the petitioner are returned within a fortnight of receipt/production of a copy of this order on production of the papers supporting the ownership of the mobile sets, if not already released.



The writ petition is allowed with the above observations/directions.

(Jyoti Saran, J)

(Arvind Srivastava, J)

mcv/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	08.03.2019
Transmission Date	N/A

