

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6525 of 2020

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Parwez Siddique @ Parwej Alam S/o Md. Sahabuddin resident of Village-
Siddiqui SabjiyacourtAmba, P.S.- Amba, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration Excise and Prohibition Department of, Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Superintend of Excise, Gaya.
4. The S.H.O., of Amas P.S. Gaya.

... .. Respondent/s

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(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Appearance :

For the Petitioner/s : Mr.Vinod Kumar, Advocate
For the Respondent/s : Mr.Vikash Kumar (Sc11)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 24-11-2020

Heard the parties.

Petitioner has prayed for following reliefs:-

“(i) That this application is directed for issuance of an appropriate writ/writs, direction/directions, order/orders for quashing the order dated 04.12.2019 passed by the



learned Addl. District & Sessions Judge-V-cum- Special Court of Excise, Gaya in Amas P.S. Case No.129/19 whereby and whereunder rejected the claim of the petitioner to release the money a sum of Rs.49,000/- (forty nine thousand).

(ii) For a direction to the respondent authority to release the aforesaid money of the petitioner taking into consideration that in fact nothing has been recovered from the motorcycle of the petitioner and the money in question belong to the petitioner.”

As recovered and seized cash is not liable for confiscation under section 56 of the Excise Act, as such, bar of jurisdiction in confiscation under section 60 of the Excise is not applicable and the special court excise has jurisdiction to pass order for release of cash during pendency of trial.

The Special Court (Excise) has rejected the petition for release of cash of Rs. 49,000/- on the ground that seized material is Exhibit material and investigation and trial has not been concluded, so, it is not proper to release the money at this juncture.

The writ petition is disposed of with liberty to petitioner to file a petition before the Special Court (Excise)



after conclusion of investigation and filing of chargesheet and if any such petition is filed for release of cash, the Special Court (Excise) shall dispose of such petition in accordance with law.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.01.2021
Transmission Date	NA

