

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7172 of 2020

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Aman Kumar, Son of Dinesh Yadav Resident of Village- Fulmalik, P.S.-
Sahibpur Kamal, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Excise Department,
Government of Bihar Patna.
2. The Principal Secretary, Excise Department, Government of Bihar Patna.
3. The District Magistrate-cum- Collector Patna.
4. The Senior Superintendent of Police Patna.
5. The S.H.O of Police Police station Gardanibagh, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Bihari Singh, Adv
For the Respondent/s : Mr.Lalit Kishore (Ag)

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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.

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

Date : 03-09-2020

Heard learned counsel for the petitioner and learned
counsel for the respondents.

Petitioner has prayed for the following reliefs:

“ For issuance of writ in the nature of
Madamus for direction to respondent
authorities to release the Money of (i)
Aman Kumar (petitioner) which has
been seized by the police in connection



with Gardanibagh P.S. Case No. 162/2020, Special Case No. 2535/20, U/s. 30(a), 36 of Bihar Prohibition and Excise Act, 2016 and give other appropriate relief/reliefs to which the petitioner is found entitled in the facts and circumstances of the present case.”

Informant is a police officer and was making raids to recover illicit liquor when he received a confidential information that one person riding on cycle was carrying illicit liquor in a bag and on receipt of said information he reached the place and apprehended the person who disclosed his name as Aman Kumar (petitioner) and from his cycle illicit liquor was recovered and from his possession Rs. 28,590/- was recovered along with two mobiles which were seized giving rise to Gardanibagh P.S. Case No. P.S. Case No. 162/2020, Special Case No. 2535/20, U/s. 30(a), 36 of Bihar Prohibition and Excise Act, 2016.

It is submitted on behalf of petitioner that cash seized by the police is not liable for confiscation u/s 56 of the Excise Act as such bar of jurisdiction in confiscation under Section 60 of the Act is not applicable, and Special Court Excise



where the criminal case is pending has jurisdiction to pass an order for release of cash seized by the police in Excise Case.

The writ petition is disposed of with liberty to petitioner to file an application u/s 451 of Cr.P.C. for release of cash seized by the police and the Special Court Excise shall disposed of such petition within 30 days from the date of its filing.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/-

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

