

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15467 of 2019

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Deenanath Kumar through Divakar Singh S/o Divakar Singh Resident of
Village Jalalpur, PS Maranchi, (Pachmahla OP) Dist. Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Registration, Excise and
Department Govt. of Bihar, Patna
2. The Commissioner Excise, Registration Excise and Prohibition
Department, Patna
3. The District Magistrate, Patna
4. The Superintendent of Police, Patna
5. The Superintendent of Excise, Patna
6. The S.H.O. Police Marandhi, Dist. Patna
7. The Assistant Sub Inspector of Police (Pachmahla O.P.) O.P. Maranchi
Police Station, Dist. Patna (Inorment)

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Parmod Kumar
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 : 26-06-2020

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

Petitioner has prayed for the following relief:-

“That this application is for issuance of appropriate



writ, order, orders and directions to Respondents to release the amount of money Rs. Fifty Thousand (Rs. 50,000/-) to release a Mobile of JIO Company with SIM bearing IMEI-No. 9M594652033507 & to release a Bicycle of Vishal Company Black Colour seized from the possession of the petitioner by the Police on 04.09.2018 and the case is pending before the Court of Special Judge, Excise, Patna in Spl. Case No. 8167 of 2018(arising out of Maranchi PS case No. 92/2018).”

FIR was instituted under section 30(a) of the Bihar Prohibition and Excise Act, 2016, against petitioner and from his possession one JIO Mobile, Rs. 50,000/- cash and one Bicycle was recovered besides it illicit liquor was recovered from a Truck.

It is submitted on behalf of petitioner that cash, mobile and bicycle are not liable for confiscation, as such direction may be given to the Special Court (Excise) where criminal trial is pending to release the aforesaid seized articles.

The writ petition is disposed of with liberty to petitioner to file a petition under Section 451 of Cr.P.C for release of one JIO Mobile, Rs. 50,000/- cash and one Bicycle before the concerned Special Court (Excise), where



the trial of Spl. Case No. 8167 of 2018 (arising out of Maranchi PS case No. 92/2018) is pending and the Special Court is directed to dispose of such petition within 30 days from the date of filing.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

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

