

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 25038 of 2019

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Kewal Yadav S/o Puhup Lal Yadav Resident of Village- Bela, Ward No.-8,
P.S.- Basmatiya, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary old Secretariat Bihar, Patna.
2. The Principal Secretary, Excise Department, Government of Bihar, Patna.
3. The Collector, Araria.
4. The Superintendent of Police, Araria.
5. The Excise Superintendent, Araria.
6. The Station House Officer Narpatganj (Basmatiya O.P), Police Station, Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha, Adv.
For the Respondent/s : Mr.Kumar Manish (Sc5)

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

Date : 24-08-2020

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

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

Petitioner has prayed for following reliefs:-

(I) For appropriate writ especially in the nature of mandamus or order/orders direction/directions to



release petitioner's money 2,85,500/- Nepali currency which has been seized by the police in connection with Narpatganj (Basmatiya O.P.) P.S. Case No. 212 of 2019 District Araria dated 02.04.2019 under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

(II) For any other relief/reliefs, order/orders direction/directions to which the petitioner may be found entitled in the facts and circumstances of the case.”

It has been submitted on behalf of petitioner that Nepali Currency of Rs. 2,85,500/- seized by the police in connection with Narpatganj (Basmatiya O.P.) P.S. Case No. 212 of 2019 District Araria dated 02.04.2019 under Section 30(a) of Bihar Prohibition and Excise Act, 2016 is not liable for confiscation under Section 56 of the Excise Act, as such, Special Court, Excise where the criminal case is pending can exercise its jurisdiction under Section 451 of Cr.P.C. for release of said currency.

The writ petition is disposed of with liberty to petitioner to file a petition before the Special Court, Excise under Section 451 of Cr.P.C. for release of currency and the Special Court, Excise shall dispose of such petition within



30 days from the date of its filing.

The writ petition is accordingly disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/-

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

