

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25068 of 2019

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Sunita Devi, Wife of Late Sanjit Kumar Sahani @ Sanjit Sahni, Resident of
Village Vijay Chapra, P.S. Ahiyapur, District Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Patna.
2. The District Magistrate, Muzaffarpur.
3. The Officer-in-Charge, Ahiyapur, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bhavesh 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)

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

Date : 17-08-2020

Petitioner has prayed for following relief:-

“This writ application is being filed
on behalf of the above named petitioner (wife
of accused late Sanjeeet Kumar Sahani) for
issuance of direction to the respondents/Trial
court to release Tata Tiago XZ 1.2 RTNBS4
bearing Registration No. BR06CC7444 (item
No.23 of seizure list) & also to release other
items i.e, pass book, ATM card & Cash amount
Rs.65670/- (sixty five thousand six hundred
seventy only) mentioned in seizure list vide
serial No.13, 14 (I) (ii)(III) (IV), 16, 17, 17(5)
18(i)(ii)(iii) (iv) (v) 19(i)(ii)(iii)(v0(vi) (vii) in



favour of the petitioner which has been seized in connection with Ahiyapur P.S. Case No.759/2019 instituted u/s 272/273, 414I.P.C. and U/s 30(a)/36/48 of Bihar Prohibition and Excise Act 2016 against five named accused persons including the husband of the petitioner due to violation of Bihar Prohibition and Excise Act, 2016 & the case is pending in the court of learned SPL Judge Excise Muzaffarpur and for issuance of any other writ/writs, order/orders, directions as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

Informant who is a Police Officer has alleged in his FIR that he got a secret information that miscreants are engaged in trade of illicit liquor and he raided the place where three accused were apprehended and from the room, huge amount of illicit liquor, vehicle and pan card, Pass book, ATM card of Sanjeeet Kumar Sahani, driving licence, cash were recovered and seized giving rise to Ahiyapur P.S. Case No.759/2019 instituted u/s 272/273 , 414 of I.P.C and Sections 30(a)/36/48 of Bihar Prohibition and Excise Act 2016.

Petitioner is widow of deceased - Sanjit Kumar Sahani and as there is recovery of illicit liquor from the seized vehicle, as such, same is liable for confiscation.

It has been submitted on behalf of counsel for the State



that confiscation proceeding has already been initiated and petitioner has appeared in the confiscation proceeding, as such, confiscating officer is directed to conclude the confiscation proceeding within 90 days from the date of receipt/production of a copy of order passed by this Court.

As far as other seized articles are concerned, same are not liable for confiscation and the Special Court, Excise, Muzaffarpur where excise case is pending has jurisdiction to pass order for release of such articles under Section 451 of Cr.P.C. during pendency of criminal case on usual terms and conditions as imposed for release of articles.

Petitioner is granted liberty to file a petition for release of such articles which are not liable for confiscation before the Special Judge, Excise, Muzaffarpur and the Special Court, Excise, Muzaffarpur shall dispose of such petition within 30 days from the date of filing of such petition.

The writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA



Uploading Date	24.8.2020
Transmission Date	NA

