

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7994 of 2021

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Bablu Kumar @ Babloo Kumar son of Late Munna Yadav resident of Shahi Masjid Road, Police Station- Civil Lines, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Excise Department, Government of Bihar, Patna.
3. The District Magistrate, Gaya.
4. The Superintendent of Police, Gaya.
5. The Deputy Superintendent of Police, Gaya.
6. The Officer-in- Charge, Kotwali Police Station, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate
For the Respondent/s : Mr. Vikash Kumar, SC 11

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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 : 24-06-2021

Heard learned counsel for the petitioner and learned

counsel for the State.

Petitioner has prayed for following relief:-

“ The present writ application is being filed for release of Rs.7,90,000/- (Rupees seven lac ninety thousand only), seized in connection with Kotwali P.S. Case No. 586 of 2019, registered for the offences under Sections 30(a), 54 and 57 of Bihar Prohibition and Excise Act, 2016 and under Sections 420, 406, 34 of Indian Penal Code.”



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.

Petitioner would be at liberty to file a petition before the special court excise under section 451 of Cr.P.C. and if any such petition is filed for release of cash the special court excise shall dispose of such petition within 30 days from the date of its filing.

Petition stands disposed of with the aforesaid observations/directions.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.06.2021
Transmission Date	NA

