

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8796 of 2021

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Ajay Sao @ Ajay Saw son of late Munder Sao, Resident of Village- Simra,
Police Station- Parsa Bazar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, New Secretariat, Patna.
2. The Principal Secretary, Excise Department, Government of Bihar, New Secretariat, Patna
3. The District Magistrate, Patna
4. The Superintendent of Police, Patna.
5. The Senior Deputy Collector, Patna.
6. The Officer-in-Charge, Paliganj Police Station, District- Patna
7. The Investigation Officer, of Paliganj P.S. Case No. 16/19 dated 11.01.2019, P.S.- Paliganj, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeet Kumar, Advocate
For the Respondent/s : Mr. Kumar Manish, SC-5

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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 MR. JUSTICE S. KUMAR)

Date : 29-06-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“ (A) For quashing of the order dated 10.12.2020, passed by Learned Senior Deputy Collector, Patna, in connection with confiscation case no. 2649A/2019-20 (Ajay Sao @ Ajay Saw Vs. Unknown), by which the application filed by the petitioner, in view of the order dated 16.12.2019, passed



in CWJC No. 16430 of 2019 (Ajay Sao @ Ajay Saw Vs. the State of Bihar & Ors.), has been rejected, and it has been further directed that the petitioner should move before the appropriate court for release of money is not in accordance with the order of this Hon'ble Court.

(B) For direction upon the respondents to release the petitioner's money to the tune of Rs. 38,300/- (Thirty eight thousand and three hundred only) which has been seized in connection with Paliganj P.S. Case No. 16/2019, Special Case No. 462/2019 (State Vs. Ajay Sao & Others), registered for offences punishable under Sections 272/273 of Indian Penal Code and Section 2(E)/3/5/18 of Bihar Excise (Mahua Flower) Rules 2006 and Section 3(a)(C) (D) of the Bihar Prohibition & Excise Act, 2016, without any purpose and even contrary to the provisions of law.

(C) For any other relief/reliefs to which the petitioner is found entitled for under the facts and circumstances of the present case.”

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)

Rajiv/veena

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

