

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.11736 of 2021**

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Ajeet Kumar @ Pappu S/o Late Vinod Prasad, Resident of Village- Bankipore  
Gorakh (Ganjpar), P.S.- Fatuha, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Excise, Government of Bihar, Patna.
2. The District Magistrate Patna.
3. The Superintendent of Excise Patna.
4. The Superintendent of Police Patna City.
5. The S.H.O. Bypass P.S. Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Vijay Anand, Advocate  
For the Respondent/s : Mr. Kumar Manish, S.C. 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 : 22-07-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief(s):-

“That the present writ application is being filed on behalf of the petitioner for quashing the seizure as well as prayer for release of Nexa Car bearing Registration No. BR01FA 5095 in favour of petitioner or his Authorized Agent in Bypass P.S. Case No. 38/2021 registered U/s 30(a), 32(3)41(1), 41(2) of Bihar Prohibition Act to the satisfaction of learned Special Judge, Excise, Patna.”

It is submitted on behalf of counsel for the State that as there was no recovery from the seized vehicle, police has not recommended any confiscation to be initiated against seized



vehicle, 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 seized vehicle.

The writ petition is disposed of with liberty to petitioner to file a petition before the Special court (Excise) for release of vehicle, and, if any, such petition is filed for release of vehicle, the Special court (Excise) shall dispose of such petition within 30 days from the date of its filing.

**(Sanjay Karol, CJ)**

**( S. Kumar, J)**

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