

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12504 of 2021

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Anish Kumar @ Manish Kumar @ Anish S/o Late Ganesh Prasad @ Ajay Kumar Sah Resident of Kish Kothi, Hajipur, P.S.- Khagaria, District-Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Bihar Excise Department, Patna.
2. The Excise Commissioner, Bihar Excise Department at Patna.
3. The Collector of District Khagaria, at Khagaria.
4. The Superintendent of Police, Khagaria at Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar,
Mr. Amar Kumar Singh, Advocates
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 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 : 22-07-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“ For giving direction to respondent to release total Rs.3,32,700/- (three lacs thirty two thousand seven hundred only) in favour of petitioner which was seized in connection with Khagaria P.S. Case No. 189/2019 for offence u/s 30(a) of Bihar Prohibition and Excise Act.”

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	24.07.2021
Transmission Date	NA

