

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16716 of 2021

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Falak Singh Son of Late Arun Kumar Singh, Resident of L 1/58 Krishnapuri
P.S.- Shri Krishnapuri, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Registration and Prohibition, Government of Bihar, Patna.
2. The Superintendent of Police, Patna.
3. The SHO of Shri Krishnapuri Police Station, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Parashuram Singh, Advocate
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)

Date : 03-11-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

- i) To issue an appropriate writ/order/direction in the nature of mandamus to command the respondents to release Mobile Galaxy S2OFE COLOUR Mint IMEL No-358818746316127/359210306316128 and Tommy Hilfiger wrist watch in favour of the petitioner during the pendency of Special case no 1346/2021 arisen out of S K Puri PS case no 63/2021 U/5 30(a) of the Bihar Prohibition of Liquor and Excise Act, 2013 pending in the court of Special Judge, Excise, Patna.
- (ii) To allow any other relief or reliefs to which the petitioner is found entitled.

As recovered and seized mobile and wrist watch 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 concerned Special Court Excise under section 451 of Cr.P.C. and if any such petition is filed for release of mobile and wrist watch 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