

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16983 of 2021

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Manoj Prasad Sah, S/o Laxmi Sah Teli, Resident of Village- Pidari Guthi,
P.S.- Sherwa, Dist- Parsa (Nepal).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise and Prohibition Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Excise and Prohibition Department, Govt. of Bihar, Patna.
3. The Collector-cum-District Magistrate, West Champaran at Bettiah.
4. The Superintendent of Police, Bettiah, West Champaran.
5. The Officer-In-Charge, Bhangaha Police Station, Bhangaha, District- West Champaran.
6. The Investigating Officer, Bhangaha P.S. Case No. 01/2021, Bhangaha Police Station, Bhangaha, District- West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Respondent/s : Mr. Lalit Kishore (A.G.)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 03-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“A. For issuance of a writ in the nature of mandamus or any other appropriate writ, order/s, direction commanding the respondents to release Nepali Currency worth Rs. 1,38,650/- and Indian Currency of Rs. 1,940/- which has been seized in connection with Bhangaha P.S. Case No. 01/2021 registered u/ss. 414 I.P.C. and 30(a) of

the Bihar Prohibition and Excise Act.

(b) For any other relief/s to which the petitioner is found entitled to.”

Two persons, including petitioner were found in possession of 750 ml. English Signature Liquor, Nepali currency of Rs. 1,38,650/- and Indian Currency of Rs. 1940/- for which Bhangaha P.S. Case No. 01/2021 was registered under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

It is submitted that petitioner is a resident of Nepal and that coming to India by a Nepali Citizen with Nepali currency is not an offence and seized currencies are not liable for confiscation under Section 56 of the Excise Act and the Special court, Excise has jurisdiction to release the seized currency on furnishing sufficient sureties to the satisfaction of the Special Judge, Excise.

Having heard learned counsel for the parties, we dispose of the present petition with liberty to the petitioner to file a petition before the Special Court Excise under section 451 of Cr.P.C. for the relief prayed for in this petition, and if any such petition is filed for release of the currency in question, 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)

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(S. Kumar, J)

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	