

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17871 of 2021

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Most. Shanti Devi W/o - Late Chanshi Mahto R/v- Purandarpur, East of Shiv
Mandir, P.S. - Jakkanpur, Distt. - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Senior Superintendent of Police, Patna.
3. The Officer in charge of Jakkanpur Police, Station, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha, Advocate
For the Respondent/s : Mr.Vikash Kumar (Sc11)

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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 : 10-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“For issuance of an appropriate writ/writs/order/orders commanding / directing the respondents to release the amount of Rs.9,50,000/- in favour of the petitioner which has been seized in connection with Special Case No.10792 of 2019, arising out of Jakkanpur P.S. Case No. 741 of 2019 for the offence under Section 414 I.P.C. and 30(a)/38/41 of the Bihar Prohibition and Excise Amendment Act, 2018 pending before the court of the learned Special Judge, Excise, Patna.”

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	13.12.2021
Transmission Date	NA