

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20399 of 2021

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Md. Golu @ Musabeer Alam Son of Badruddin @ Md. Badir, Resident of
Village - Prem Nagar, Ward No. 16, P.S. - Araria (R.S.), District - Araria
(Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Old Secretariat Bihar, Patna.
2. The Principal Secretary, Excise Department, Government of Bihar, Patna.
3. The Collector, Araria.
4. The Superintendent of Police, Araria.
5. The Excise Superintendent, Araria.
6. The Station House Office, Araria (R.S.), Police Station, Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha, 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)

Date : 23-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“(I) For appropriate writ especially in the nature of
mandamus or order/orders, direction/directions to release
petitioner’s money 37,000/- rupees which has been seized by
the police in connection with Araria P.S. Case No. 285 of
2021, District- Araria dated 29.03.2021 under Section 30(a) of
Bihar Prohibition and Excise Act, 2016.

(II) For any other relief / reliefs, order / orders,
direction/directions to which the petitioner may be found
entitled in the facts and circumstances of the case.”

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)

Amrendra/-PKP

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.01.2022
Transmission Date	NA

