

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.533 of 2022

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Bom Shankar Singh, Son of Khaderan Singh, Resident of Village- Sara,
Police Station- Tarari, District- Ara (Bhojpur).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar.
2. The Excise Commissioner, Bihar, Patna.
3. The Collector-cum-District Magistrate, Purniya.
4. The Excise Superintendent, Purniya.
5. The District Superintendent of Police, Purniya.
6. The District Arms Magistrate, Purniya.
7. The Officer-in-Charge, K.Haat (Sahayak), Police Station, District- Purniya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Tej Narayan Singh, 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 : 11-05-2022

Heard learned counsel for the parties.

The petitioner has prayed for the following relief/s :



1. That the present application is for issuance of a writ/writs, order/orders, direction/directions on behalf of the petitioner for release of a Licensee Revolver being WEBLEY AND SCOTT LTD 5697 loaded with 6 (six) cartridges including seized 16 Cartridges being KF-12-3802 which has been seized in connection with Special Excise Case No. 619/2018 arising out of K. Hat (Sahayak) P. S. Case No. 440/2018, as the petitioner possessed with Arms License No. S/1293-B/Arms/DM-2012 and for restraining the confiscation proceeding if any going to be initiated. Further for relief/reliefs for which the petitioner is entitle under the facts and circumstances.

As recovered and seized licensee revolver and the cartridges are 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 licensee revolver and the cartridges 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 licensee revolver loaded with cartridges 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)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	18.05.2022
Transmission Date	

