

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2057 of 2022

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Gopaljee Pandey Son of Lalanjee Pandey, Resident of Village - Barka Rajpur,
P.S. - Simri, District - Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The District Magistrate, Buxar, Bihar.
3. The Superintendent of Police, Buxar, Bihar.
4. The District Transport Officer, Buxar, Bihar.
5. The S.H.O., Simri Police Station, District - Buxar.
6. The Superintendent of Excise, District - Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sheo Jee Mishra, Advocate
For the Respondent/s : Mr. Vivek Prasad (G.P. 7)

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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 : 22-04-2022

Heard learned counsel for the parties.

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

“(i) Issuance of a writ/writs/order/orders, direction/directions in the nature of mandamus commanding the respondent authorities to release the seized Cellphone and cash of Rs. 75,900 (Seventy five thousand nine hundred) to the petitioner forthwith.

(ii) Issuance of a writ/writs/order/orders in the nature of certiorari quashing the order dated 02.04.2021 passed by learned A.D.J.-2, Buxar in Simri P.S. Case No. 08/2021 whereby and where under the learned A.D.J.-II Ind Buxar, rejected the petition for release of the seized Mobile Cellphone and Cash of Rs. 75900/- (Seventy five thousand nine hundred),

(iii) Issuance of any other relief/reliefs for which the petitioner is entitled to in the eyes of law.”

Learned counsel for the petitioner seeks permission to withdraw the writ petition, as same is not maintainable in its present form.

Permission is granted.

This writ petition is dismissed as withdrawn with liberty to challenge the order passed by the Special Court (Excise), by which the cash and mobile seized by the police under the Excise Act has been refused to be released, against which petitioner has remedy of filing revision/quashing against said order.

With the aforesaid liberty, this writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	