

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2793 of 2022

Uma Devi W/o Jata Sah, R/o Village-Rajokhar Navada, P.S.-Gopalganj Town,
District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Superintendent of Excise Department, Gopalganj.
5. The Officer in Charge, Mohammadpur Police Station, Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vikash Kumar Shukla, Adv
For the Respondent/s : Mr.Vivek Prasad (GP7)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice /Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences /offices.)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 22-04-2022

Heard learned counsel for the parties.

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

“For issuance of appropriate writ commanding the respondent authorities to release the petitioner’s cash to total amounting Rs. 749940/- seized by the respondent police officials from house of the petitioner in connection with Mohammadpur P.S. Case No. 220/2021, registered for the offences u/s 272, 273, 328, 307, 304, 120B and 34 of the IPC and u/s 30(a), 37(b), 33, 34 of Bihar Prohibition and Excise (Amendment) Act, 2018 pending in the court of learned Additional District and Sessions Judge 2nd cum Special Judge, Excise, Gopalganj.”

As recovered and seized cash of Rs. 7,49,940/- 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 seized cash during pendency of trial.

The writ petition is disposed of with liberty to petitioner to file a petition before the Special Court (Excise) where the excise case is pending under section 451 of Cr.P.C. and if any such petition is filed for release of seized cash, the Special Court (Excise) shall dispose of such petition within 30 days from its filing.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	
Transmission Date	NA