

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4827 of 2022

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Unique Supply Solutions through its Proprietor Rakesh Kumar Singh (Age-46 Years, Gender-Male), Son of Nand Kishore Singh, Resident of Meenakshi Apartment, Flat No. 207, Dabar Gali, Kumhrar, P.S.-Agamkuan, District-Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secrerary Excise Department, Government of Bihar, Patna.
2. The District Magistrate, Nalanda.
3. The Superintendent of Police, Nalanda.
4. The Inspector-Cum-S.H.O., Chandi Police Station, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar, Advocate
For the Respondent/s : Mr.Vivek Prasad (GP-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 : 06-05-2022

Heard learned counsel for the parties.

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

1. That the present writ application is being filed on behalf of the petitioner or issuance of a direction to Respondent No. 4, Inspector-cum-S.H.O., Chandi Police Station District Nalanda for release of 1215 pieces of Excide Battery worth Rs. 50,32,881.49/- which has been seized in connection with Chandi Police Station Case No. 46 of 2022 instituted under sections 420, 468, 467, 471 of the Indian Penal Code and under sections 30(a), 32(ii)(iii), 36, 41(ii) of the Bihar Prohibition and Excise (Amendment) Act, 2018 against six name accused persons excluding the petitioner while being transported through the transporter i.e. Unique Supply Solutions of which the petitioner is the proprietor and for issuance of any other writ/writs order/orders for which the petitioner is found entitled in the facts and circumstances of the case and the aforesaid case is pending in the Court of Learned Exclusive Special, Excise Court No. 1, Biharsharif at Nalanda.

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Excise Court No. 1, Biharsharif at Nalanda.

As recovered and seized articles (1215 pieces of Excide Battery) 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 seized articles (1215 pieces of Excide Battery) 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 articles (1215 pieces of Excide Battery), the Special Court (Excise) shall dispose of such petition within 30 days from its filing.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	