

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19772 of 2021

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Milton Cycle Industries Limited Plot No 35, Industrial Area, Sonapat,
Haryana, through, Mukesh Kumar Srivastav, aged about-48 years, Gender-
Male, Son of late Raghunath Prasad Srivastav, resident of Mohalla-
Damuchak Road, P.S- Chhata Chouck, Distt- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Prohibition, Excise and Registration, Government of Bihar, Patna.
2. The Secretary, Department of Prohibition, Excise and Registration, Government of Bihar, Patna.
3. The Director General of Police, Bihar, Patna
4. The District Collector, Siwan
5. The Superintendent of Police, Siwan
6. The Deputy Superintendent of Police, Siwan
7. The Officer in- charge of Guthani Police Station, District- Siwan
8. The Investigating Officer of Guthani, P.S. Case, No.- 70/2019, Distt- Siwan.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 01-04-2022

Heard learned counsel for the parties.

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

“That the instant writ application is being filed for issuance of writ/writs, direction/directions and order/orders in the form of Mandamus for directing the respondents authorities to release the goods (Cycle and cycle parts), which has been seized in connection with Guthani P.S. Case No. 70 of 2019 dated 26.04.2019 registered under sections 30(a)/38(i)/41(i) of Bihar Prohibition and Excise Act, 2016, further for issuance of any other appropriate writ/writs direction/directions and

order/orders, for which the petitioner is found entitled under the facts and circumstances of the case.”

As recovered and seized goods (Cycle and cycle parts), 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 goods (Cycle and cycle parts) 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 goods (Cycle and cycle parts), the Special Court (Excise) shall dispose of such petition within 30 days from its filing.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

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