

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8626 of 2022

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Sunil Sharma Son of Sri Ramphal Sharma, R/o Rajpura Kharkari, Tigrana
(10), P.S. and Distt.- Bhiwani, State- Haryana.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The District Magistrate, District- Muzaffarpur.
3. The Confiscation Officer-Cum- Addl. Collector, Disaster Management,
Muzaffarpur.
4. The Sr. Superintendent of Police, District- Muzaffarpur.
5. The S.H. Officer, Police Station- Sakra, District- Muzaffarpur.

... .. Respondent/s

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(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.)

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh, Adv
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 : 22-07-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief:-

“That this application for issuance of a direction of directions, order or orders to the respondents to release the seized Fevicol and Feviquick which had been seized from Truck bearing Reg. No. UP-17AT-7540 in connection with Sakra ps1 531 of 2021 dated 31.10.2021 registered u/s 272, 273, 34 of IPC and Section 30(a) of Bihar Prohibition & Excise (Amendment) Act, 2018 after setting aside the order dated 11.01.2022 passed by learned Exclusive Special, Excise Court No. 1, Muzaffarpur and order dated 13.04.2022 passed

by learned Confiscation Officer cum Addl. Collector, Disaster Management, Muzaffarpur.”

It has been submitted by learned counsel for the petitioner that petitioner has filed application before the Exclusive Special Excise Court No. 1, for release of seized articles (Fevicol and Feviquick), but the Special Judge (Excise), vide order dated 11.01.2022 rejected the prayer of the petitioner on the ground that Special Court (Excise) has no jurisdiction to pass any order in view of bar of jurisdiction in confiscation under Section 60 of the Excise Act.

As recovered and seized articles (Fevicol and Feviquick) 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 Act is not applicable and the Special Court (Excise) has jurisdiction to pass order for release of seized articles (Fevicol and Feviquick) during pendency of trial.

For the reasons as stated above, the order dated 11.01.2022 passed by Exclusive Special Excise Court No. 1, Muzaffarpur is set aside and Special Court (Excise) is directed to provisionally release the seized articles (Fevicol and Feviquick) on production of ownership documents of seized articles (Fevicol and Feviquick) upon furnishing adequate

sureties to the satisfaction of learned Special Judge (Excise),
Muzaffarpur

With said observation and direction, this writ petition
is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

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