

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9264 of 2022

1. Ankita Raj Wife of Pawan Kumar Resident of Postal Park, Road No. 2, P.S.- Kankarbagh, District- Patna.
2. Pawan Kumar Son of Late Ramchandra Saw Resident of Postal Park, Road No. 2, P.S.- Kankarbagh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the its Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The Excise Commissioner, Excise Department, Patna Division.
3. The District Magistrate, Cum Collector Patna.
4. Superintendent of Police, Patna.
5. Officer-in-charge of Kankarbagh, Police Station, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Jyoti Ranjan Jha, Advocate
For the Respondent/s : Mr. Kumar Manish (S.C.5)

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 : 08-07-2022

Heard learned counsel for the parties.

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

I. That, instant civil writ is being preferred before this Hon'ble Court, for issuance of appropriate Writ(s), Direction(s), order(s) to the respondent authority concerned, for a direction to release the Articles as well as cash amount, of Rs. One Lakh Thirty Thousand Seven Hundred Sixty, seized by the Police as mentioned in seizure list at Para No. 14, 15, 16, 17, and 18 of in connection with Special Case No. 2412/2020(Kankarbagh Police Case No. 213/2020 dt. 6.3.2020, offences under sections 30(a)/36 of Bihar Prohibition of Excise Act, 2016, presently pending before Learned Special Judge, Excise Patna

I. For any other relief(s) for which the Petitioners is found entitled in the eye of law.

As recovered and seized cash 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 cash during pendency of trial.

Petitioner would be at liberty to file a petition before the Special Court, Excise under Section 451 of Cr.P.C. and, if any, such petition is filed for release of cash, the Special Court, Excise shall dispose of such petition within 30 days from the date of its filing.

Petition stands disposed of with the aforesaid observations/directions.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	