

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10065 of 2022

=====

Saddam Miyan @ Saddam Alam son of Mansur Alam, Resident of Village-Sirsa, P.S.-Baikunthpur, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Govt. of Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Deputy Superintendent of Police, Gopalganj.
5. The Officer-in-Charge, Baikunthpur Police Station, District Gopalganj.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Vyas Kumar Mishra, Advocate
For the Respondent/s : Mr.Kumar Manish (SC- 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 : 22-07-2022

Heard learned counsel for the parties.

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

- “ i. To issue an appropriate writ/writs in the nature of writ of certiorari for quashing the order dated 29.03.2022 passed by the Ld. 2nd Additional Sessions Judge-cum-Special Excise, Court no.1, Gopalganj in connection with Baikunthpur P.S. Case No. 160 of 2021 instituted under section 30(a) of the Bihar Prohibition and Excise Act, 2018 whereunder and whereby a petition for release of seized money of Rs. 204500/- filed by the petitioner has been rejected.
- ii. To issue an appropriate writ/writs, direction/directions, order/orders in the nature of writ of mandamus directing/commanding the

respondents to release the aforesaid money in favour of the petitioner in connection with Baikunthpur P.S. Case No. 160 of 2021 to the satisfaction of the Ld. 2nd Additional Sessions Judge-cum- Special Judge, Excise, Gopalganj.

iii. To pass such other order/orders, direction/directions as your lordships may deem fit and proper in the facts and circumstances of the case.”

Allegation is recovery of 5 liters of illicit liquor from a bag of petitioner and further allegation is recovery of Rs. 2,04,500/- from the house of the petitioner.

A petition for release of seized money was filed by the petitioner Saddam Miyan in the Court of Learned Special Excise, Court-1, Gopalganj in Baikunthpur P.S. Case No. 160/2021 which was rejected by the order dated 29.03.2022.

The Court observed that Rs. 2,04,500/- had been recovered from the house of the petitioner and petitioner has not given any satisfactory explanation with respect to possession of recovered rupees. The Special Court has further held that petitioner seems to be indulged in trade of illicit liquor and recovered amount from his house is proceeds of crime and dismissed his petition.

The petition for release of cash has been rejected by the Special Excise Court on merit, as such, present writ petition is not maintainable and is accordingly dismissed. However, it

shall be open for the petitioner to challenge the order dated 29.03.2022 passed by the learned Special Excise Court-1, Gopalganj in an appropriate proceeding.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	