

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18722 of 2021

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Rajesh Kumar Sinha, Son of Umesh Chandra Prasad, Resident of Paigambarpur, P.S. Ahiyarpur, District- Muzaffarpur, Present Address- Parambir Apartment, Flat No.- 2E, New Patliputra Colony, P.S.- Patliputra, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The Principal Secretary, Excise Department, Government of Bihar, Patna.
3. The District Magistrate-cum-Collector, Patna.
4. The Senior Superintendent of Police, Patna.
5. The S.H.O. of Police, Police Station Patliputra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Bihari Singh, Advocate

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 : 11-05-2022

Heard learned counsel for the parties.

The petitioner has prayed for the following



relief/s :

1. That this is writ application is being filed for issuance of a writ in the nature of Mandamus for direction to respondent authorities to release the Money of rupee 94355/-(Ninty Four Thousand and Three hundred and Fifty Five rupee) of (i)Rajesh Kumar Sinha(petitioner) Which has been seize by the police in connection with Patliputra P.S case no 343/20,U/S-30(a),41(i) 30(a), of Bihar Prohibition and Excise Act,2016 and give other appropriate relief/reliefs to which the petitioner is found entitled in the facts and circumstances of the present case.

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)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	18.05.2022
Transmission Date	

