

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18925 of 2021

=====

Ajay Kumar @ Amitabh Kumar, son of Late Ram Sawak Rai, resident of Agandhi Tali, P.S. Belaganj (Bela), District- Gaya, Present Address- Jakkanpur, P.S.- Jakkanpur, 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 Gardanibagh.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Rakesh Bihari Singh, Advocate
For the Respondent/s : Mr.Vikash Kumar (SC11)

=====

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 60,000/- (Sixty Thousand) of (i) Amit Kumar @ Amitabh Kumar (petitioner) which has been seized by the police in connection with Gardanibagh P.S case no 578/2018, U/S-307, 353, 34 of I.P.C and 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/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	18.05.2022
Transmission Date	

