

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20322 of 2021

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Kumar Rohit, Son of Sharwan Kumar, Resident of Tekari Road, Sampatchak,
P.S. Sultanganj, Patna City, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Prohibition, Excise and Registration Department, Government of Bihar, Patna.
2. The District Magistrate, Jamui.
3. The Superintendent of Excise, Jamui.
4. The Superintendent of Police, Jamui.
5. The Officer - in - Charge, Sono P.S., District - Jamui.
6. The Investigating Officer, Sono P.S. Case No. 132/2021.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate
For the Respondent/s : Mr.Vivek Prasad (G.P.7)

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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 : 01-04-2022

Heard learned counsel for the parties.

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

“(a) For release of Vivo Mobile containing Sim No. 9798924455 of Airtel Company and further Jio No. 8789217423 and moreover containing IMEI No. 864407059478711 and 864407059478703 which was seized on 04.06.2021 by police in Sono P.S. Case No. 132 of 2021 registered under Section 272/273 of the Indian Penal Code & under Section 30(a), 41 of the Bihar Prohibition & Excise Amendment Act, 2018.

(b) For any other relief/reliefs to which petitioner is found to be entitled for.”

As recovered and seized mobile 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 mobile 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 mobile, 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	