

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.726 of 2017

Arising Out of PS. Case No.-364 Year-2015 Thana- KUDHNI District- Muzaffarpur

Subhash Chaudhary Owner of Auto (three wheeler) Apache bearing Reg. No.- BR06PA-1328, S/o Ramnath Chaudhary, Resident of Mohalla- Rambagh Nunfar Gali, P.S.- Mithanpura, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S. K., Adv.

For the Respondent/s : Mr. Ram Priya Saran Singh, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-03-2023 Heard learned counsel for the petitioner and learned counsel for the State.

The present Cr. Revision Application has been filed by the petitioner against the order dated 07.06.2017 passed by Special Judge, Excise, Muzaffarpur in connection with Kudhani P.S. Case No. 364 of 2015 lodged under Section 414, 272, 273 of the Indian Penal Code read with Section 47(A) of Excise Act, by which, the Court has dismissed his petition to release the Auto (three wheeler) bearing Reg. No.- BR06PA-1328 in favour of petitioner on technical ground.

Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. but his vehicle was used by a person to whom he has given his commercial Auto on rent. He

further submits that when petitioner has received knowledge that his vehicle was used in illegal activities and in custody of Police, he has filed the application for release. Upon his petition, trial court has passed order and mentioned that Section 60 of the Excise Act debars him passing order of release.

Learned counsel for the State submits that the remedy for the petitioner to release the vehicle is some other place and not before Original Court.

Upon going through Section 60 of the Excise Act which read as under:-

60. Bar of jurisdiction in confiscation.- Whenever any liquor, material, still, utensil, implements or apparatus or any receptacle, package, any animal cart, vessel, or other conveyance used in committing any offence, is seized or detained under this Act, no court shall have, notwithstanding anything to the contrary contained in any other law for the time being in force, jurisdiction to make any order with regard to such property.

In this background, the trial court has rightly observed in its order that the said section creates bar upon the Court to interfere in the matter of release.

In this view of the matter, I found no illegality in the order dated 07.06.2017 passed by Special Judge, Excise, Muzaffarpur in connection with Kudhani P.S. Case No. 364 of 2015, therefore, the present Cr. Revision Application is hereby dismissed.

(Dr. Anshuman, J.)

ritik/-

U		T	
---	--	---	--