

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1190 of 2024

Arising Out of PS. Case No.-486 Year-2024 Thana- Excise P.S. District- Patna

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Vinod Kumar S/o Laxmi Narayan R/o Mohalla - Kankarbagh Road, Kumhar
Toli, near Chiraiyatar Petrol PUmp, P.S. - Kankarbagh, Distt. - Patna

... .. Petitioner/s

Versus

1. The State of Bihar represented through the Secretary, Dept. of Excise and Prohibition, Gov. of Bihar patna
2. The Excise Commissioner, Department of Excise and Prohibition Gov. of Bihar Bihar
3. The District Magistrate Patna Bihar
4. The Superintendent of Police, Excise, Patna Bihar
5. The Inspector, Excise Police Patna Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kumar Chandra Shekhar, Advocate
For the Respondent/s : Mr.Mrigendra Kumar, AC to GP-20

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

2 25-07-2024 This petition has been preferred by petitioner under Articles 226, 227 Constitution of India for release of the seized medicine/ drugs which has been seized by the Excise P.S., Patna in connection with FIR No. 486/2024 for the alleged offence under Sections 30(a) and 26(b) of Bihar Prohibition and Excise Amendment Act, 2022.

2. Learned counsel for the petitioner submits that the petitioner is the Manager of the concerned transport company and he is duly authorized by the proprietor of the said company for obtaining the said seized medicine in his custody.



3. Learned counsel further submits that for releasing the said seized medicine an application under Section 451 Cr.P.C. has been already filed by the petitioner before the Sub Judge, Excise III, Patna on 18.03.2024, even after that till today, the application has not been decided by the concerned Sub Judge.

4. Learned counsel for the petitioner prays that this petition may be disposed of directing the concerned Sub Judge to decide the pending application under Section 451 Cr.P.C. within a stipulated period as directed by this Court.

5. Learned counsel for the State does not oppose the prayer made by the petitioner.

6. On the basis of the submissions made by both the parties, this petition is disposed of directing the concerned Sub Judge to consider and decide the said application under Section 451 Cr.P.C. within a period of one month from today in accordance with the law.

7. This petition is disposed of accordingly.

(Arvind Singh Chandel , J)

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