

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18270 of 2024**

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Munna Kumar @ Manjit Kumar, S/o Shiv Hari Yadav, resident of village-  
Kali Sthan, Begam Ki Haveli, Sampatchak, Police Station- Khajekalan,  
District- Patna.

... .. Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Excise Commissioner, Bihar Prohibition and Excise Act 2016, Patna, Bihar.
3. The District Collector, District- Patna, Bihar.
4. The Superintendent of Police, District- Patna, Bihar.
5. The S.H.O. of Khajekalan Police Station, District- Patna.

... .. Respondents.

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**Appearance :**

For the Petitioner : Mr. Jay Ram Prasad, Advocate.  
For the State : Mr. Shiv Kumar, AC to GA-3.

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**and**  
**HONOURABLE MR. JUSTICE S. B. PD. SINGH**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)**

**Date : 11-12-2024**

In the instant writ petition, the petitioner has prayed  
for the following relief(s):

“For the issuance of appropriate writ or order/orders, direction/directions, Commanding the respondents to release the sum of Rs.1,45,968/- in Favour of the petitioner petitioner is bearer of the sum of Rupees seized in connection with Khajekalan Police Station Case No-542/23, Registered Under Sections 30(a) of Bihar Prohibition & Excise Act 2018.”

2. Today, learned counsel for the State filed counter affidavit. The same is taken on record.

3. Core issue involved in the present lis is whether



cash recovered for the offence under the Excise Act could be released in favour of the custodian of money seized or not?

4. Coordinate Bench of this Court in the case of **Brijlal Yadav @ Brijlal Prasad Versus The State of Bihar and others vide Judgment dated 05.12.2024 in C.W.J.C. No.11355 of 2024** held that insofar as seizure of the cash for the offence under the Excise Act are to be released.

5. In the light of the aforesaid decision of the Coordinate Bench of this Court, the concerned authority is hereby directed to release the amount mentioned in the relief portion within a period of six weeks from today in favour of the petitioner.

6. With the above observation, the instant writ petition stands disposed of.

(P. B. Bajanthri, J)

( S. B. Pd. Singh, J)

P.S./-

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| AFR/NAFR          | NAFR        |
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