

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.374 of 2025

Shankar Prasad, S/o- Rambriksh Sah @ Rambriksh Prasad, R/o Village-
Uchaila/Akbarpur, P.S- Rohtas, District- Rohtas at Sasaram.

... .. Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate-Cum- Collector, Aurangabad.
3. The Director General of Police, Bihar, Patna.
4. The Superintendent of Excise, Aurangabad.
5. The Superintendent of Police, Aurangabad.
6. The Station Head Officer, Risiyap Police Station, Aurangabad.
7. The Sub-Inspector of Risiyap Police Station, Aurangabad.
8. The Investigating Officer of Risiyap P.S. Case No.- 48/2024, Aurangabad.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Mukul Kumari, Advocate
For the Respondent/s : Mr. Arun Kumar Bhagat, AC to AAG-12

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 18-03-2025

In the instant petition, petitioner has prayed for the
following reliefs:

*“(i) To set aside the order dated 24.10.2024
passed by the court of Special Judge of Excise-II,
Aurangabad in Risiyap P.S. Case No. 48 of 2024,
G.R. No. 576 of 2024 which has been lodged for
the offence under section 30(c) of Bihar*



Prohibition and Excise Act 2018.

(ii) To direct the respondent authority to release the seized cash Rs. 1,43,310/- (One Lakh forty three thousand and three hundred Ten Rupees) in favour of petitioner namely Shankar Prasad which belongs to him.

(iii) For the pass proper order/orders and direction to command the respondent authority according to the facts and circumstances of this case.

(iv) For any other relief or reliefs for which petitioner are found entitled in the facts and circumstances of the case.”

2. Prayer No.1 is concerned, Writ petition is not maintainable against Trial Court order and insofar as Prayer No.2 is concerned, this Court cannot issue a Writ of Mandamus for release of seized cash in the light of Section 56(2)(iv) of Bihar Prohibition and Excise Act, 2016. In other words, matter is required to be adjudicated insofar as determining the seized cash of Rs. 1,43,310/- (One Lakh forty three thousand and three hundred ten) possessed by the petitioner was with reference to



genuine transaction or not. Once that is proved in favour of the petitioner, in that event, petitioner is entitled to have the benefit of release of the seized cash of Rs. 1,43,310/- (One Lakh forty three thousand and three hundred ten).

3. With the above liberty, present Writ petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Sinha, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.03.2025
Transmission Date	NA

