
Aman Kumar Vs State Of Bihar And Ors

Civil Writ Jurisdiction Case No. 7172 Of 2020

Court: Patna High Court

Date of Decision: Sept. 3, 2020

Acts Referred:

Bihar Prohibition And Excise Act, 2016 " Section 30(a), 36, 56#Code Of Criminal Procedure, 1973 " Section 451

Hon'ble Judges: Sanjay Karol, CJ; S. Kumar, J

Bench: Division Bench

Advocate: Rakesh Bihari Singh, Lalit Kishore

Final Decision: Disposed Of

Judgement

Heard learned counsel for the petitioner and learned counsel for the respondents.

Petitioner has prayed for the following reliefs:

“For issuance of writ in the nature of Madamus for direction to respondent authorities to release the Money of (i) Aman Kumar (petitioner) which

has been seized by the police in connection with Gardanibagh P.S. Case No. 162/2020, Special Case No. 2535/20, U/s. 30(a), 36 of Bihar Prohibition

and Excise Act, 2016 and give other appropriate relief/reliefs to which the petitioner is found entitled in the facts and circumstances of the present

case.”

Informant is a police officer and was making raids to recover illicit liquor when he received a confidential information that one person riding on cycle

was carrying illicit liquor in a bag and on receipt of said information he reached the place and apprehended the person who disclosed his name as

Aman Kumar (petitioner) and from his cycle illicit liquor was recovered and from his possession Rs. 28,590/- was recovered along with two mobiles

which were seized giving rise to Gardanibagh P.S. Case No. P.S. Case No. 162/2020, Special Case No. 2535/20, U/s. 30(a), 36 of Bihar Prohibition

and Excise Act, 2016.

It is submitted on behalf of petitioner that cash seized by the police is not liable for confiscation u/s 56 of the Excise Act as such bar of jurisdiction in

confiscation under Section 60 of the Act is not applicable, and Special Court Excise where the criminal case is pending has jurisdiction to pass an

order for release of cash seized by the police in Excise Case.

The writ petition is disposed of with liberty to petitioner to file an application u/s 451 of Cr.P.C. for release of cash seized by the police and the Special

Court Excise shall disposed of such petition within 30 days from the date of its filing.