

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15504 of 2016

Arising Out of PS.Case No. -10 Year- 2016 Thana -GOVERNMENT OFFICIAL COMP. District-
MUZAFFARPUR

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Shiv Shankar Singh, sonof Atmanand Singh, resident of House No. 32, Block A-3, Mohan Garden, Uttam Nagar, New Delhi, posted as Assistant General Manager (SCM) in Dharampal Satyapal Ltd. Headquarter situated at C/6-10, D.S. Road, Sector-67, Noida, U.P.

.... Petitioner

Versus

The Union of India, through Directorate of Revenue Intelligence, Regional Unit, Muzaffarpur.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate

For the Opposite Party/s : Mr. Devendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL ORDER

3. 31-05-2016 Heard Sri N.K. Agarwal, learned senior counsel for the petitioner and Sri Devendra Kumar, learned counsel for the Directorate of Revenue Intelligence.

It appears that a consignment of Pan Masala (Rajnigandha) in 316 Cartons was being transported from Guwahati to Guargaon, Hariyana, by a public carrier truck belonging to M/s Super Safe Logistic India Private Limited, which was intercepted by the Directorate of Revenue Intelligence at Muzaffarpur, and on search from the truck allegedly 306 kgs. of Ganja was

recovered, for which prosecution was lodged. The truck and the entire consignment were seized.

Sri Agarwal, learned senior counsel, submits that the consignment (Rajnigandha Pan Masala) is not de-offending article for which the case has been instituted, and admittedly booked on public carrier truck to be transported from Guwahati to Guargaon. It is a perishable article and its consumption in Bihar is prohibited. Accordingly, he had prayed before the learned Sessions Judge-cum-Special Judge, Muzaffarpur, for release of the Rajnigandha Pan Masala, but the same has been refused on the ground that investigation is continuing. This Court fails to understand, whether there was any offence at all committed or alleged to be committed in respect of the consignment of Rajnigandha Pan Masala?

Learned counsel for the Customs fairly states that if the petitioner offers sufficient security these goods may be released.

Having considered the matter, let the consignment i.e. 316 Cartons of Rajnigandha Pan Masala, as seized, in DRI Case No. 10 of 2016 under



Section 20, 25, 29 of N.D.P.S. Act, be released to the petitioner on furnishing security bond (neither cash nor Bank guarantee) to the satisfaction of learned Sessions Judge-cum-Special Judge, Muzaffarpur, with two sureties of the like amount. Sufficient security valuing of Rs. 62,00,000/- (Rupees Sixty Two Lacs).

This application is, accordingly, disposed of.

Let the order of this Court be communicated to the Trial Court immediately.

(Navaniti Prasad Singh, J.)

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