

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4046 of 2017

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1. Md. Munna, son of Abdul Kadir, Residence of Talwari, Ward No.-03, P.O.- Chiraiya, Police Station- Baysi, District- Purnea.
 2. Md. Nasiruddin, son of Noor Alam, Residence of Babgrora, Ward No.-05, P.O.- Chiraiya, Police Station- Baysi, District- Purnea.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Home & Political Department, Government of India, New Delhi.
2. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
3. The Director General of Police, S.S.B.-12 Battalion- New Delhi.
4. The Inspector General of Police, S.S.B.-12 Battalion, Patna.
5. The Commissioner Customs Preventive Government of India, Patna.
6. The Joint Commissioner Customs (Preventive) Head Quarter, Patna.
7. The Deputy Inspector General of Police, S.S.B.-12 Battalion, Muzaffarpur.
8. The Deputy/Assistant Commissioner Customs (Preventive) Forbesganj, District- Araria.
9. The District Magistrate, Kishanganj.
10. The Superintendent of Police, Kishanganj.
11. The Commandant S.S.B.-12 Batalion, Kishanganj.
12. The Superintendent, Customs (P) Circle Thakurganj, District- Kishanganj.
13. The Second-in-Command, S.S.B.-12 Battalion, Pathamari, Police Station- Pathamari, District- Kishanganj.
14. The Assistant Commandant, S.S.B.-12 Battalion District- Kishanganj.
15. The Deputy Commandant, S.S.B.-12 Battalion District- Kishanganj.
16. The Superintendent (Technical) of Customs Preventive Division, Forbesganj, District- Kishanganj.
17. The Customs Officer Thakurganj, District- Kishanganj.
18. The Deputy Superintendent of Police, Kishanganj.
19. The Inspector of Police, Kishanganj, District- Kishanganj.
20. The Station Head Officer Police Station- Pathamari, District- Kishanganj.
21. Nitasha Jaini, wife of Keshav Jain, Volunteer Dhyan Foundation, (N.G.O.) at present in Kishanganj, District- Kishanganj.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shambhu Prasad Yadav, Adv.
For the Resp. No.21	:	Mr. Rajesh Kumar mishra, Adv.
For the UOI	:	Mr. S.D. Sanjay, Addl. S.G. Mr. Anshay Bahadur Mathur, CGC
For the Customs	:	Mr. Satya Prakash Tripathy, Sr. S.C. Mr. Satya Vrat, Adv.
For the State	:	Dr. Mankeshwar Tiwari, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 06-10-2017



Heard learned counsel for the parties.

In this case, the petitioners have approached this Court for release of 71 cattle which were being transported in two trucks having been seized by the S.S.B. at Katihar, were handed over to the Customs and Custom has already issued release order but, due to lodging of the criminal case, the cattle are still under the custody of S.S.B.

Though in the writ application, it has been mentioned that the cattle were purchased from the market in the State of West Bengal, they were being brought to the State of Bihar to help the agriculturalist for rearing as well as for employing in the agriculture field but, the S.S.B. has filed an affidavit wherein completely a denial has been shown mentioning that the cattle were being transported from Nepal to Bihar, were seized and they failed to produce any document in support of purchase of the cattle as well as transit permit for transmitting the cattle.

Learned counsel for the S.S.B. submits that as there is already a criminal case pending before the criminal court, in such view of the matter, let the petitioners should move before the criminal court for release of the cattle and the court below will pass orders in accordance with law looking to the entire facts and circumstances of the case.

In the meantime, it will be obligation of the S.S.B. to keep



the cattle safely and will act in terms of the order passed by the criminal court.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.10.2017
Transmission Date	NA

