

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2137 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- SEKHPURA

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Harendra Prasad son of late Ram Chandra Prasad,

.... Petitioner/s

Versus

The State of Bihar Through The Principal Secretary Dept. of Excise, Patna Bihar &
Anr

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharmesh Kumar, Advocate

For the Respondent/s : Mr. Anil Kumar Sinha, GA-1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 15-11-2017

Heard learned counsel for the petitioner and the State.

2. The goods of the petitioner were being carried on a truck bearing registration No.PB-13AL-3875. On the same truck 45 cartoons of foreign liquor was recovered by the respondent authorities and for that recovery Sheikhpura P.S. Case No.312 of 2017 was registered for the offences under Sections 272/273/353 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The present writ application has been preferred for release of the goods, which were being carried on the said truck for the reason that these goods have committed no offence nor they are part of the offence. The 1st Additional Sessions Judge, Sheikhpura, in Excise Case No.632 of 2017 has refused to release the goods on



the ground that Section 60 of the Act bars the jurisdiction of the Courts.

4. Submission of the learned counsel for the petitioner is that in authorized manner goods were being carried from one destination to another and if on the way the driver has committed some offence, as in the present case, loaded some liquor it cannot be said that the goods were loaded for the purpose of hiding the liquor.

5. Therefore, the authorities are directed to release the goods loaded on the aforesaid vehicle in favour of the petitioner without any delay on petitioner’s furnishing surety bond of Rs.1,00000/- (One Lac), not in the form of bank guarantee/cash, with two sureties of the like amount to the satisfaction of the learned Court-below/authority concerned where the case is pending.

6. With the aforesaid observation, this writ application stands disposed of.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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