IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6613 of 2017

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1. Harjee Traders Company through its Proprietor Hargurjit Singh, son of Sampuran Singh B - 3, Sundram Apartment, Jai Nagar, P.S. Fancy Bazar, District Guwahati, Assam.
2. Maruthi International Trading through its Director cum Authorized Signatory Deepak Chabra, son of Md. Anand Chabra, resident of BU/214, Pitampura, P.S. Pitampura, Distt. New Delhi.
3. Bombay Kandla Transport (P) Ltd through its Authorized Signatory Rajeev Kumar Thakur, son of Sri Lal Babu Thakur, resident of mohalla Pathar Gali, Janta Road, P.S. Gardanibagh, District Patna.

.... Petitioners

Versus

1. The State of Bihar through the Commissioner, Commercial Taxes Department, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, District Kaimur (Bhabua) Bihar.
4. The Deputy Commissioner, Commercial Taxes, Integrated Check Post, Karamnasha, District Kaimur.
5. The Sub Divisional Police Officer, Mohania, District Kaimur, Bihar.
6. The Officer In Charge,Mohania Police Station, District Kaimur, Bihar.

.... Respondents

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Appearance :
For the Petitioners : Mr. Prabhat Ranjan, Advocate.
For the Respondents : Mr. Vikash Kumar, S.C. 11.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)
Date: 04-05-2017

Challenging the action of the respondents since had seized the vehicle in question bearing Registration No. NL 01N 6621, the petitioners have filed this writ petition commanding and seeking release of the Truck and goods of the petitioners for maximum detention.

Learned counsel representing the State Government, Sri

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Vikash Kumar, informs us that even though initially the vehicle was seized under apprehension that it was carrying illicit liquor which is prohibited in the State of Bihar but on search and seizure, it was found to be carried certain goods like, Pan Masala. However, now the matter is under consideration that the respondent no. 4, the Deputy Commissioner, Commercial Taxes, Kaimur, with regard to receiving of tax and penalty under Section 60(4) of the Bihar Value Added Tax, the official has initiated process by issuing of notice to both the owner of the vehicle and driver and after issuing notice under Section 60(4), to the same is now pending before the respondent no. 4 and the respondent no. 4 on being satisfied with regard to the bonafide in transportation of the goods in vehicle in question after completing the statutory process will pass appropriate order, respondent no. 4, may proceed and within a period of 72 hours of presentation of the documents etc., by the petitioners may release of the vehicle and goods, it would be for the respondent no. 4, the Deputy Commissioner, Commercial Taxes, Kaimur, to direct for release of the vehicle and goods on surety being furnished by the petitioners or any other condition being imposed. If within 72 hours of presentation of the application no action is taken, the petitioners shall be liberty to approach this Court for release of the vehicle and goods. The petitioners are granted liberty to submit the documents and proof with

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regard to bonafide transfer of the goods after payment of tax and deduction before the competent Authority or document showing permission for transport of the goods in the vehicle as per law.

With the aforesaid, the petition stands disposed of.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

U.K./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.05.2017
Transmission Date	

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