

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.599 of 2018

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A.V. Natural Foods, Khurmania, Aada Khasa, Attari Road, Amritsar (punjab) Through Its Assistant Sales Manager Sanjay Kumar Verma S/o Late Sri Rama Shankar Verma, R/o Krishna Bhawan, Club Road, P.S.- Mithanpura, District- Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar Through Secretary, Department of Excise, New Secretariat, Patna, Bihar.
2. The Collector, Begusarai.
3. The S.P. Begusarai.
4. The SI, Sahebpur Kamal P.S., District- Begusarai.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Vijay Anand

For the Respondent/s : Mr. Anil Kumar Sinha (Ga 1)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 26-02-2018

Heard learned counsel for the petitioner and

learned counsel representing the State.

The present writ application has been filed for issuance of direction to the respondent authority to release 101 bags of Tulsi Premium Basmati Rice each containing 25 kg. (25 quintal 25 kg.), 97 bags of Premium Basmati Rice each containing 40 kg. (10 kg. x 4 packet) (38 quintal 80 kg.), 302 packet of Gold Medal Premium Basmati Rice each containing 25 kg. (75 quintal 50 kg.) and 10 cartoon Toffa premium basmati rice each cartoon contains 20 kg. (1 kg. x 20 packet) (2 quintal 0, Total (141 quintal 55 kg.0 in favour of the petitioner's firm which was



seized in connection with Sahebpur Kamal P.S.C case No. 18/2018 registered under Section 420/467/468/414/279/304(a) /120(b) of the Indian Penal Code and 30(a)/32/27/41(i) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the petitioner's firm had handed over rice which belonged to the firm to the transporter and there is valid proof of the ownership of the rice in favour of the petitioner. The petitioner's firm has no connection either with the truck in question as the same does not belong to the firm nor with the Bolero vehicle which was intercepted and from where also illicit liquor have been allegedly recovered. Driver of the vehicle was arrested.

Learned counsel for the petitioner submits that the petitioner is ready and willing to abide by the terms and conditions which may be imposed by this Court for release of the rice in question.

In the facts and circumstances, pending initiation or finalization of the confiscation proceeding, let the rice, if belongs to the petitioner, be released within a week on producing the documents showing valid proof of



ownership of the rice in his favour on furnishing a surety bond of Rs. 9,00,000 (Nine Lakhs only) in form of Bank guarantee or the original title deed of an immovable property lying within the jurisdiction of the court or any other security of like nature to the satisfaction of the learned the Collector cum District Magistrate, Begusarai, as the case may be.

A photograph of the bags containing rice shall be taken and panchnama be also prepared, certified and be kept on record in accordance with law.

This application is, accordingly, disposed off.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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