

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5190 of 2018

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Rajendra Mehta, S/o- Pradeep Mahta, R/o- Mohalla- Kanaundi, P.S.-
Hazaribagh, District- Hazaribagh, District- Jharkhand

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner, Excise, Government of Bihar, Patna
3. The District Magistrate, Nalanda
4. The Superintendent of Police, Nalanda
5. The Excise Inspector, Noorsarai, District- Nalanda
6. The Officer In Charge, Noorsarai Police Station, District- Nalanda

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binit Kumar, Advocate
For the Respondent/s : Mr. Vivek Prasad- GP 7

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 25-04-2018 This writ petition has been filed for release of a vehicle (Truck) bearing Registration No. JH02AT7336 with loaded Gur or alleged molasses, which has been seized in connection with Noorsarai P.S. Case No. 58 of 2018 due to violation of the provisions of the Excise Act.

Having heard learned counsel for the parties, we find that petitioner is the owner of the vehicle in question and by this writ petition wants not only the release of the vehicle, but also the loaded Gur or molasses which was seized. There is serious dispute with regard to the goods that were being transported in



the vehicle in question and the State has seriously objected to release of the goods on the ground that it can be used for manufacture of liquor and, therefore, the same should not be released.

Be that as it may, at the instance of the petitioner, who is only the owner of the vehicle in question and was transporting the goods in question, we are not inclined to release the Gur which was the material being transported by the petitioner for the simple reason that intention for bringing the Gur in question within the territorial limit of the State of Bihar is not known.

Keeping in view the aforesaid, the prayer for release of the Gur loaded in the truck in question, which is alleged to be Molasses, is rejected.

However, it is directed that pending finalization of the confiscation/excise proceedings and/or criminal case, the vehicle in question, not the goods, shall be released to the petitioner on the petitioner furnishing the bank guarantee to the satisfaction of District Magistrate-cum-Collector, Nalanda and further undertaking to produce the vehicle as and when directed by the authority concerned and not to alienate or deal with the vehicle in question during the pendency of the



confiscation/excise proceedings and/or criminal case so as to create third party rights or prejudice the rights of the State in the pending proceedings.

The vehicle in question be released within one week from the date of furnishing the bank guarantee.

With the aforesaid, the writ petition stands allowed and disposed of.

So far as the release of the goods in question is concerned, liberty shall be available to the owner of the goods to seek release of the goods at his instance if and when required.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/-

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