

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7991 of 2018

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M/s Aditya Ceramics, having registered office at Aditya Ceramics, above Patliaputra Hero, Exhibition Road, Patna, Bihar, a Partnership firm through its Managing Partner Sushil Kumar Pansari, Son of Late Binod Kumar Pansari, resident of B-4/B Pushpa Vihar Apartment, Exhibition Road, Police Station- Gandhi Miadan, District – Patna- 800001

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Prohibition, Excise and Registration Department, Government of Bihar, Patna, Vikas Bhawan, Bailey Road, Patna – 800001.
2. The Principal Secretary, Prohibition, Excise and Registration Department, Government of Bihar, Patna.
3. The Excise Commissioner, Bihar, Patna.
4. The Collector-cum-District Magistrate, Patna.
5. The Senior Superintendent of Police, Patna.
6. The Officer-in-Charge of Bhagwanganj Police Station, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar, Advocate
For the Respondent/s : Mr. Lalit Kishore -AG

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 26-04-2018 Seeking release of a consignment which was being transported from Haridwar to Patna for being delivered to a consignee in a truck bearing Regn. No.UP 78 CN 8960, this writ



petition has been filed by the petitioner, who is the owner of the consignment that was being transported i.e. Plastic TRAP1010 TRAP W/O 1025 Coupler, Singlet, Bend in the truck. It is seen that as certain liquor were also being transported along with the aforesaid goods in the truck in question, the goods and the truck have been seized.

It is submitted that only the goods detailed hereinabove were booked for transportation, not the liquor and if during the course of transportation of the goods the owner or driver of the truck had carried liquor in it, the applicant, who is the consignor of the goods, cannot be prosecuted with and suffer the consequence of illegal acts done by the driver or the owner of the truck. He further invites our attention to an order dated 15.11.2017 passed by this Court in C.W.J.C. No.16597 of 2017 whereby the truck has been directed to be released pending finalization of the criminal proceedings and the confiscation proceedings. Learned counsel for the parties also invite our attention to the fact that the matter is pending before the learned Special Judge, Excise, Patna and the Investigating Officer, namely S.H.O., Bhagwanganj P.S., Patna on 19.3.2018 vide Annexure 3 has given his consent for release of the consignment in question, as indicated in Annexure 3.



Taking note of the aforesaid, we direct that on the petitioner filing a certified copy of this order along with a copy of Annexure 3 dated 19.3.2018, the Special Judge, Excise, Patna, before whom the matter is pending, shall direct for release of the consignment, namely Plastic TRAP1010 TRAP W/O 1025 Coupler, Singlet, Bend to the petitioner on such terms and conditions as may be determined by the Special Court and goods released within one week.

With the aforesaid, the application stands disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/-

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