

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12738 of 2018

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Amrit Raj, Son of Late Hem Raj, Resident of Village- Keharwin, Post Office-
Baloh, Police Station- Bharanj, District- Hamirpur (Himachal Pradesh).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Government of Bihar, Patna.
2. The Excise Superintendent, Patna.
3. The Sub Inspector, Excise, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar

For the Respondent/s : Mr. Vivek Prasad- Gp7

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

4 18-12-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the plastic
Noodles Packed in different bags only which is alleged to have
seized from a truck upon which foreign liquors is also alleged to
have been recovered in connection with Didarganj P.S. Case No.
275 of 2018 corresponding to Special Case No. 1808/2018 for
an offence under Section 30(a) of the Bihar Excise Act has been
instituted.

Learned counsel for the petitioner submits that he is
only concern with the Noodles Packed in different bags and
according to him the same should not have been seized in view
of Section 56 of the Act of 2016.



Considering the facts and circumstances of the case and also the judgment of the Hon'ble Division Bench in the case of **Diwakar Kumar Singh Vs. The State of Bihar through the Principal Secretary, Excise Department & Ors.** reported in **2018 (3) PLJR 403**, the court below is directed to release the Plastic Noodles packed in different bags forthwith in favour of the petitioner within a week after submission of the document showing the ownership of the goods in the name of petitioner.

Since nothing has been recovered from the packed bags in question, there is no question of submission of any surety bond in view of the judgment of the Hon'ble Division Bench of this Court.

This application stands disposed off, accordingly.

(Jyoti Saran, J)

(Rajeev Ranjan Prasad, J)

Rajeev/R.R.Ojha

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