

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10720 of 2018

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Western Carriers (India) Limited, H.O. 67/28, Strand Road, Kolkata, R.O. 206, Central Plaza, 2/16, Sarat Bose Road, Kolkata- 700020 through its Branch Manager Avinash Mishra, Son of Onkar Nath Mishra, Patna Branch having its Branch Office at Khagaul Road, Near FCI More, Phulwarisharif, Patna- 801505, Permanent resident of Domanpura, Sikandarpur, Ballia, Police Station- Sikandarpur, District- Ballia, Uttar Pradesh.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Registration and Prohibition of Excise, Govt. of Bihar, Patna.
2. The District Magistrate, Muzaaffarpur.
3. The Senior Superintendent of Police, Muzaaffarpur.
4. The Station House Officer, Ahiyapur Police Station, District- Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Advocate
Mr. Rajesh Kumar, Advocate
For the State : Mr. Anil Kumar Sinha- I, A.G.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 04-06-2018 Petitioner, a transporter, has filed this writ petition primarily on the ground that in a truck bearing Registration No. HR 69A -7634 which was carrying various materials from Hasangarh (Haryana) to Hajipur to be delivered at depot of Hindusan Unilever Limited at Hajipur. Certain liquor was seized and the entire truck with all the consignment and the liquor was taken into custody by the authorities of Ahiyapur police station in connection with Ahiyapur P.S. Case No. 398 of 2018 for various offences under the Excise and Prohibition Act.



It is indicated that in the goods except liquor in question on the date when it was seized belonging to Hindustan Unilever Ltd. Due to seizure of 12 bottles of imported blue whiskey, total 18 litres and various other prohibited items totaling amounting to 97 litre in question along with goods of Hindustan has also been seized but as the articles under consignment were not prohibited item, it should be released.

Keeping in view of the facts of the case, the averments made and the documents like the invoices brought on record, we see no reason to reject the aforesaid contention of the petitioner. Accordingly, this Court directs that on the petitioner filing a copy of this order along with relevant documents, tax invoices and other necessary documents before District Magistrate, Muzaffarpur, the respondent No. 2, District Magistrate, Muzaffarpur shall release the petitioner consignment except the Excise material subject to one local surety to the satisfaction of the District Magistrate, Muzaffarpur.

With the aforesaid, the matter stand disposed of.

(Shivaji Pandey, J)

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