

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.122 of 2019

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Gajpal Singh, Son of Late Prem Singh Resident of D- 1486, Jahangir Puri,
N.S. Mandi, Post Office- Azadpur, P.S. Jahangir Puri, North West Delhi
(Delhi)- 110033.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Excise Department, New Secretary Building, Patna
2. The Principal Secretary, Home Department, Govt. of Bihar, New Secretariat Building, Patna.
3. The District Magistrate, Saran at Chhapra.
4. The Superintendent of Police, Saran at Chhapra.
5. The Excise Superintendent, Saran at Chhapra.
6. The Officer- In- Charge of Police Station Revelganj, P.S. Revelganj, District- Saran at Chhapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vijay Bardhan Pandey, Advocate
For the Respondent/s : Mr.Vivek Prasad- GP 7

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 03-05-2019

Heard learned counsel for the parties.

Counsel for the petitioner prays for release of 498
cartons of cooking mix Ginger/Garlic which has been seized in



connection with Revelganj PS Case No. 372 of 2018 instituted under Sections 272, 273 and 120(B)/34 of the Indian Penal Code and under Section 30(a) of the Bihar Excise and Prohibition Act, 2016. The goods were being transported from Panipat in the State of Haryana to Patna but since the truck in which it was being transported bearing Registration No. HR- 45B 0322 was also loaded with about 1722.6 liters of IMFL the Excise authorities not only seized the truck loaded with the liquor but also the perishable articles of the petitioner which has no concern with the liquor so seized. Mr. Dhananjay Kumar Tiwary, learned counsel for the petitioner has referred to the transport documents at Annexure-2 series in support of his submission.

Learned counsel for the State while opposing the prayer submits that the goods in question was also loaded on the same truck at the time seizure was made.

Having heard learned counsel for the parties and considering the prayer made in the writ petition which is for release of 498 cartons of cooking mix Ginger/Garlic and which goods are not prohibited under the Bihar Prohibition and Excise Act, 2016, we direct the Designated Court below to ensure the release of the goods in question on production of the ownership/transport papers by the petitioner in support of the



prayer made within seven days from the date of receipt/production
of a copy of this order.

The writ petition is allowed.

(Jyoti Saran, J)

mrl./-

(Anjani Kumar Sharan, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	17/05/2019
Transmission Date	N.A.

