

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4660 of 2019

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Tyagi Transport Service having registered Office at P.N. Sharma Park, Delhi-Saharanpur Road, Baraut, Baghpat, Uttarpradesh through its Special Power of attorney Holder Tahir, Son of Ali Mohammad aged about 49 years, Male, Resident of Village-Jafarpur @ Audhapur, District-Bhghpat, Uttarpradesh.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Prohibition Excise and Registration Department
Government of Bihar, Patna
3. The Excise Commissioner, Prohibition Excise and Registration Department,
Government of Bihar, Patna
4. The District Transport Officer, Muzaffarpur
5. The District Magistrate-Cum-Collector, Muzaffarpur
6. The Superintendent of Excise, Muzaffarpur
7. The Superintendent of Police, Muzaffarpur
8. The Officer-in-Charge, Minapur Police Station, Muzaffarpur
9. The Excise Inspector, Chhata Chowk, Muzaffarpur, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh

For the Respondent/s : Mr. Anil Kumar Sinha (AAG-1)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 29-03-2019

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.



This application has been filed for a Mandamus directing the State-respondents to release the total 67 Bales i.e. 26325 pieces of PP Woven Laminated Bags loaded on the truck bearing registration No. UP17T8720 seized in connection with Minapur P.S. Case No. 554 of 2018 registered under sections 272/273 of the Indian Penal Code and Sections 30(a)/38/41/48 of the Bihar Prohibition and Excise Act. The seizure list shows recovery of 1265.640 liters of IMFL.

Learned counsel for the petitioner submits that the present application is not filed in respect of release of truck rather it is for the release of goods, which was laden on the truck and has nothing to do with the Bihar Prohibition and Excise Act, 2016 because it is not the prohibited item. He further submits that the confiscation proceeding has already been initiated.

Learned counsel for the appearing on behalf of the State submits that since the goods for the release of which the present application is filed was being transported in the Truck, which also carried liquor hence, the seizure.

We have heard learned counsel appearing for the parties, perused the record and considering the nature of seizure, we direct the District Magistrate-cum-Collector, Muzaffarpur i.e. the Confiscating Authority, to release the total 67 Bales i.e. 26325 pieces of PP Woven Laminated Bags loaded on the truck bearing Registration No. UP17T8720 within a period of 14 days of receipt/production of a copy of the present order subject to



production of ownership papers as well as the documents supporting the transportation of the goods in question.

The application is allowed with the observations and directions set out hereinabove.

(Jyoti Saran, J)

(Arvind Srivastava, J)

shailendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.04.2019
Transmission Date	NA

