

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4907 of 2019

ProConnect Supply Chain Solutions Limited, having its registered office at SPL Guindy House, 95-Mount Road, Guindy, Chennai- 600032, represented through its Manager- Transport, namely, Mr. Kapil Dev (Male-aged about 38 years), Son of Om Prakash, R/o 37/18, Railway Colony, P.S. Sarai Rohailla, District- Kishanganj, North Delhi, Delhi- 110007

... .. Petitioner/s

Versus

1. The State Of Bihar through its Principal Secretary, Department of Excise, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Excise, Govt. of Bihar, Patna.
3. The Commissioner, Excise Department, Bihar, Patna.
4. The District Magistrate Cum Collector, Lakhisarai.
5. The Superintendent of Police, Lakhisarai.
6. Officer-in-Charge, Halsi Police Station, Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Naresh Dikshit with Mr. Brij Bihari Tiwary and Mr. Lalan Kumar, Advocates
For the Respondent/s	:	Mr. Kumar Manish (SC5) Mr. Kumar Pankaj, AC to SC 5

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 29-03-2019

The petitioner, who is consignor of the goods, the details of which is present in the bill enclosed at Annexure-2, and reflects a transportation of 1308 boxes of Fevicol from Ambala to Patna.

It is argued by Mr. Brij Bihari Tiwari, learned counsel appearing for the petitioner that it is during course of transportation that the driver may have colluded with anti



socials to load certain amount of liquor which has led to seizure of not only the Truck but the goods of the petitioner together with the liquor.

It is submitted that the petitioner has no concern either with the Truck or with the liquor so seized, rather it is the goods which has been seized and was being transported under a valid document that the goods belongs to the petitioner, According to Mr. Tiwari 'Fevicol' is not one of the prohibited item under the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act'). Learned counsel informs that he has no information regarding initiation of confiscation proceeding.

Mr. Kumar Pankaj, learned AC to SC 5 submit 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 and perused the record. Even though 'the Act' prohibits transportation, sale and consumption etc. of liquor or any material capable of being transformed into any such form, but it does not prohibit transportation of 'Fevicol', the release of which is prayed in this writ petition.



In the circumstances, we are of the opinion that no reasons are existing for the seizure of the goods which are not a prohibitive item under 'the Act'. Accordingly, we direct the designated Court below to order for release of the goods of the petitioner i.e. 1308 boxes of Fevicol, the details of which can be found at Annexure-2 as well as in the seizure list enclosed with the first information report, 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 writ petition is allowed.

(Jyoti Saran, J)

(Arvind Srivastava, J)

mcv/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.04.2019
Transmission Date	NA

