

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7748 of 2019

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Satish Kumar, aged about 32 years, Male, Son of Om Prakash, R/o Village-Kayla (117) alias Kaila, P.S. Bhiwani, District-Bhiwani, State-Haryana (127309)

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Government of Bihar, Patna
2. The Collector / District Magistrate, Muzaffarpur
3. The Superintendent of Police, Muzaffarpur
4. The Excise Superintendent, Muzaffarpur
5. The Sub-Inspector, Excise, Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate
For the Respondent/s : Mr.Vivek Prasad (GP7)

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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 : 17-05-2019

Heard the parties.

The petitioner prays for release of the Herbal product as well as food items which are mentioned at sl. nos. 1 to 65 of the seizure list which were being transported from Haridwar to Ranchi under valid transportation papers, copy of which are at Annexure-2 to the writ petition which also enclosed at Annexure-1 confirming the transportation. It is during this course that the truck in question bearing Registration No. UP-15CT 8096 was intercepted at Motipur in the district of Muzaffarpur because it was also loaded with 1819 liters of



IMFL. The petitioner is a representative of the Consignee, who had engaged the International Marketing Corporation Private Limited for the transportation of goods. The seizure has taken place for alleged violation of the provisions of the Bihar Prohibition and Excise Act, 2016 on recovery of the liquor giving rise to Excise Case No.197 of 2018.

Having heard learned counsel for the parties and considering that the Harbal and Food products in question the release of which is being sought are not prohibited items liable for confiscation under Section 56 of the Act, we hereby direct the designated Court at Muzaffarpur to ensure the release of the Herbal products and the food items, which are listed at sl. nos. 1 to 65 of the seizure list subject to production of documents supporting the transportation of the goods in question to Ranchi within a week of receipt/production of a copy of this order.

The writ petition is allowed.

(Jyoti Saran, J)

(Anjani Kumar Sharan, J)

Nasimul/-

AFR/NAFR	NAFR
CAV DATE	N/A
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