

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6826 of 2019

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Zinka Logistics Solutions Pvt. Ltd. having its office at Vaswani Presidio, 2nd Floor, No. 84/2, Panathur Main Road, Off Outer Ring Road, Kadubeesanahalli, Bangalore, District- Banglore, Karnataka, through its Authorized Representative namely Rahul Ginodia, (Male) aged about 33 years, S/o Arun Kumar Ginodia, R/o 181 A, Chittaranjan Avenue, Barabazar, Police Station- Girish Park, District- Kolkata, West Bengal.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Govt. of Bihar, Old Secretariat, Patna.
2. The District Magistrate, Sitamarhi, Bihar.
3. The Superintendent of Police, Sitamarhi, Bihar.
4. The Officer In Charge, Police Station- Sonwarsa, District- Sitamarhi, Bihar.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Singh
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 : 15-05-2019

The petitioner is a transporter of Dabur products and has an agreement with M/s Dabur India Limited for transportation of its goods at different locations as manifest from the Agreement at Annexure 3 and it is under this obligation that it was transporting certain goods of Dabur India Ltd., details of which can be found at Annexure 4 but have been seized in connection with Sonwarsa P.S.Case No. 173/2018 for the alleged violation of the provisions of Bihar Prohibition and Excise Act, 2016 (hereinafter referred to



as 'the Act') because a huge quantity of India made foreign liquor was also found loaded on the truck through which products of Dabur was being transported bearing registration No. HR 74- 6269 as discussed in the seizure list.

The petitioner prays for release of the consignment belonging to M/s Dabur India Limited, the details of which are there at Annexure 4 and stands discussed amongst the seized goods at Paragraph 4(4) of the seizure list, namely, 732 cartons of dabur honey packed in 50, 250, 400 gram and 1 kg. packs as well as 252 cartons of Ayurvedic medicine, each containing 680 ml. thereof.

Learned counsel for the petitioner submits that the truck in question was hired for transportation of the Dabur products and certainly not the liquor found loaded thereon and hence, he simply prays for release of the Dabur products as mentioned in the consignment note at Annexures 4 series as well as in the seizure list.

We have heard learned counsel for the petitioner in support of release and learned counsel for the State in opposition thereof.

Considering the nature of goods the release of which is being prayed before us and which certainly do not come within the list of goods found liable for confiscation under section 56 of 'the



Act’, we direct the designated court below at Sitamarhi to ensure release of the goods belonging to M/s Dabur India Ltd., the details of which are found at Annexure 4 as well as in the seizure list and also discussed hereinabove within a period of 72 hours of receipt/ production of a copy of this judgment together with the documents supporting a valid transportation of the goods in question.

The writ petition is allowed.

(Jyoti Saran, J)

(Anjani Kumar Sharan, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.05.2019
Transmission Date	NA

