

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8394 of 2019

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Md. Mahamood @ Mahamood Son of Md. Nijamu@ Nijamu, Presently residing at C/O Asraf Ali, Near Jama Masjid Piran Kaliyar, P.S. Roorkee, District- Hardwar, Uttarkhand and Permanent resident of House No. 1310, Lakkad Patti, P.S. Kuteshra, District- Muzaffarnagar, Uttar Pradesh.

... .. Petitioner/s

Versus

1. The State of Bihar through the Excise Commissioner, Govt. of Bihar, Patna.
2. The Director Magistrate, District- Muzaffarpur.
3. The Excise Superintendent, Muzaffarpur, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Niraj Kumar, Advocate
For the Respondent/s : Mr.(Gal)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 02-07-2019

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

The petitioner prays for provisional release of the Truck bearing registration No. UK17CA2755 Engine No. 60G62494733 Chasis No. 426031GTZ010146 which has been seized in connection with Excise Case No. 111 of 2018 for the offences punishable under sections 30(A) and 38 of the Bihar Prohibition and Excise Act, 2016.

Having heard learned counsel for the parties and considering the quantum of seizure from the vehicle in question, which is about 4878 litres of IMFL, we are not persuaded to grant indulgence to the prayer made bearing note of similar rejection in other writ petitions



on similar recovery exceeding 3000 litres.

However, the petitioner would be at liberty to raise all the issues in the confiscation proceedings.

With the observations above, the writ petition is disposed of.

(Jyoti Saran, J)

(Partha Sarthy, J)

Prakash/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

