

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8945 of 2019

M/s Patanjali Parivahan Private Limited through its authorized representative Jaynti Prasad @ Jaynti Prasad Kaushik @ Jayanti Prasad Kaushik @ Jayanti Prasad Kaushik, an adult male, aged about 54 years, Son of Late Rewti Prasad, Resident of P- 345, E.W.S. Phase-2, Pallavpuram, P.S.- Modipuram, district- Meerut, Uttar Pradesh.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Department of Excise, New Secretariat, Patna, Bihar.
2. The Collector Cum District Magistrate Saran.
3. The Officer-in- Charge, Sonapur Police Station, P.S.- Sonapur, District- Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Saket Tiwary, Adv. Mr. Saket Gupta, Adv. Mr.Anuraj Singh, Adv. Mr. Tarun, Adv.
For the Respondent/s	:	Mr.Vikash Kumar, SC11

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date: 07-05-2019

Heard learned counsel for the petitioner and Mr.
Vikash Kumar, S.C.11 for the State.

The petitioner prays for release of goods packed in 250
bags each containing 25 packets of Herbal Washing Detergent
Powder which was being transported from Haridwar to Guwahati by
a truck bearing Registration No. PB23E4177 but was seized on
27.11.2018 in connection with Sonapur P.S. Case No. 1157 of 2018
for the offences punishable under Sections 188 and 420 of the Indian
Penal Code read along with side Sections 30(a) and 38 of the Bihar
Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act')
and the reasons for the seizure is because the truck in which it was



loaded, was carrying 4430 litres of India Made Foreign liquor. It is because there is a prohibition law in force in the State of Bihar under the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act'), that even though the truck was travelling from Haridwar to Guwahati, it has been intercepted in the State of Bihar at Sonapur for the reasons that it was loaded with liquor. Since the petitioner has the obligation to dispatch the goods to the respective dealer after obtaining it from the consignee it is in discharge of such obligation that the present writ petition is filed and which is only taken to be allowed because there is no provision under 'the Act' which allows the excise authorities to seize the goods in question or to draw confiscation proceedings.

In such view of the matter, we direct the court below to ensure the release of the goods in question as detailed above, within a period of 14 days from the date of receipt/production of a copy of this order. The petitioner would have to support the claim by producing the documents supporting the ownership and dispatch.

This writ petition is allowed with the direction above.

(Jyoti Saran, J)

Bibhash/-

(Anjani Kumar Sharan, J)

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