

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9979 of 2019

ProConnect Supply Chain Solutions Limited having its registered office at SPL Guindy House, 95-Mount Road, Guindy, Chennai-600032, represented through its Authorized signatory namely Priya Ranjan Kumar (Male-aged about 35 years) Son of Bharat Prasad Singh R/o Shivpuri, P.S. Shastri Nagar, Dist.-Patna 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 of Excise, Govt. of Bihar, Patna
4. The District Magistrate cum Collector, Bhojpur
5. The Superintendent of Police, Bhojpur
6. Officer-in-Charge, Sahar Police Station, Bhojpur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Brij Bihari Tiwary, Advocate
For the Respondent/s : Mr. Kumar Manish, SC 5

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

Date : 01-08-2019

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

The petitioner prays for provisional release of the 936 box of Fevicol which was loaded on the Truck bearing registration No. HR69A3329, which have been seized in connection with Sahar P.S. Case No. 40 of 2019 for the offences punishable under section 30(a) of the Bihar Prohibition and Excise Act, 2018.

It is stated by learned counsel for the petitioner that it is because 1575 litres of IMFL has been seized from the truck which was hired by petitioner to transport the Fevicol in question that the Fevicol consignment has also been seized. He submits that the confiscation



proceeding is yet to be initiated and the fevicol and vehicle are lying under the open sky in the police station. The seizure list supports the seizure of the 936 box of Fevicol, a Truck and 1575 litres of IMFL.

Counsel for the petitioner submits that the petitioner has nothing to do with the seizure of liquor rather the truck was hired for transportation of Fevicol from Ambala to Patna. Such is the statement in para 5 of the writ petition.

Having heard learned counsel for the parties and taking note of the nature of seizure made as well as the fact that the Fevicol in question is not liable for confiscation under the Bihar Prohibition & Excise Act, we direct that the Fevicol in question be released forthwith in favour of the petitioner on production of papers supporting a lawful transport of Fevicol, before the designated court below.

The release shall be allowed within a period of 14 days from the date of production of ownership/invoice papers supporting the claim of the petitioner.

With the observations above, this writ petition is allowed.

(Jyoti Saran, J)

(Partha Sarthy, J)

Prakash/-

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CAV DATE	
Uploading Date	17.08.2019
Transmission Date	

