

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16700 of 2019

Beerendra Kumar Singh, aged about 30 years, male, son of Sri Keshraj Singh resident of Village- Paraupur, P.O. Sadaupur, P.S. Suriyawan, District- Sant Ravidas Nagar (U.P), Power of Attorney Holder of Chartered Logistics Limited.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise and Registration Department, Bihar, Patna.
2. The District Magistrate, Muzaffarpur.
3. The Superintendent of Police, Muzaffarpur.
4. The S.H.O. Ahiyapur Police Station, District- Muzaffarpur.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar
For the Respondent/s : Mr. Kumar Manish (Sc5)

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAKESH KUMAR)

2. 04-09-2019 Heard Sri Sanjay Kumar, learned counsel for the petitioner and Sri Kumar Manish, learned Standing Counsel - 5.

The petitioner has approached this Court invoking its writ jurisdiction under Article 226 of the Constitution of India, with a prayer to direct the respondents to release the cosmetics and toiletry items, which has been seized by the respondent no. 4/S.H.O. Ahiyapur Police Station, Muzaffarpur, in connection with Ahiyapur P.S. Case No. 581 of 2019 registered for offence under Sections 272, 273 of the Indian Penal Code and Sections 30(a), 38, 41 of Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'Bihar Excise Act').

It was submitted by learned counsel for the petitioner



that those seized articles were booked through transporter for its transportation from Haridwar to Patna, however; the container, which was being used by the transporter, was intercepted and seized on accusation of recovery of some cartoons containing Indian make foreign liquor and while seizing, the articles of petitioner were also seized, whereas those articles have got no connection with Ahiyapur P.S. Case No. 581 of 2019.

The Court is of the opinion that once such seizure has been made, which has got no connection with the concerned police case, the petitioner may approach the concerned court and file appropriate petition for release of the same.

It goes without saying that if such petition is filed before the concerned court, same must be disposed of within two days from the date of filing of such petition.

With above observation, the writ petition stands disposed of.

(Rakesh Kumar, J.)

(Anjani Kumar Sharan, J.)

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