

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.23993 of 2019**

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Beerendra Kumar Singh, 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/s

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.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Sanjay Kumar, Adv.

For the Respondent/s : Mr.Kumar Manish, SC-5

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**and**

**HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH)**

**Date : 09-12-2019**

Heard learned counsel for the petitioner and the  
respondents.

The present writ application has been filed for a



direction to the respondent authorities to release the cosmetics and toiletry items of the petitioner seized in connection with Ahiyapur P.S. Case No.581 of 2019, registered for the offences punishable under Sections 30(a), 38 and 41 of the Bihar Excise and Prohibition Act, 2016. Further prayer of the petitioner is to accept the personal bond of M.D. of the Company, in place of indemnity bond, as directed vide order dated 16.09.2019, passed by the learned Special Judge, Excise, Muzaffarpur, in connection with Ahiyapur P.S. Case No.581 of 2019. The prayer of the petitioner as stipulated in paragraph no.1 of the petition, *in toto*, reads as under :-

i) For issuance of an appropriate writ/s, order/s, direction/ to the respondents to release the cosmetics and toiletry items which has been seized by the respondent no.4 in connection with Ahiyapur P.S. Case No. 581 of 2019 registered on 17.05.2019 for the offences u/s. 272, 273 of the I.P.C. and under Sections 30(a), 38 and 41 of the Bihar Excise and Prohibition Act, 2016, since the seized articles is perishable in nature and the utility and validity of the goods is likely to expire within a short span of time.

ii) For issuance of an appropriate writ/s, order/s, direction/s for directing the



concern officer to accept personal bond of M.D of the company in place of indemnity bond as directed vide order dated 16.09.2019 passed by the learned Spl. Judge Excise, Muzaffarpur in connection with Ahiyapur P.S. Case No.581 of 2019 whereby and under in gross violation of order dated 04.09.2019 of Hon'ble Patna High Court passed in CWJC No. 16700 of 2019, the learned Court directed for release of seized cosmetic items on furnishing indemnity bond of the amount to the extent of the value of the cosmetic goods with two sureties of like amount each.

iii. For issuance of an appropriate writ/s, order/s, direction/s for immediate release of the goods which is facing wear and tear of the weather and loosing its sheen.”

iv. To pass such other order/orders as your Lordships may deem fit and proper in the facts and circumstances of this case.

It appears that the present writ application has virtually been filed for modification of the order dated 16.09.2019, passed by the learned Special Judge, Excise, Muzaffarpur, in connection with Ahiyapur P.S. Case No. 581 of 2019, in pursuant to the order dated 04.09.2019, passed by a Division Bench of this Court in CWJC No. 16700 of 2019, as



contained in Annexure-2, whereby, the petitioner has prayed for release of the cosmetics and toiletry items, which was seized in connection with Ahiyapur P.S. Case No. 581 of 2019 after recovery of some cartoons containing Indian Made Foreign Liquor from the container on which the petitioner's articles were also booked for transportation from Haridwar to Patna. However, the writ application was disposed of with a liberty to the petitioner to approach the concerned Court and file a petition for release of the articles which was directed to be disposed of within two days from the date of filing of such petition.

It appears from the order dated 16.09.2019, passed by the learned Special Judge, Excise, Muzaffarpur, that similar petition for modification of the order allowing the MD of the company to furnish personal bond in place of indemnity bond was filed but the same has not been disposed of till date and the matter was adjourned for 24.09.2019.

It is submitted by learned counsel for the petitioner that the said petition has not been disposed of till date.

Considering the nature of urgency involved in the issue, it is expected from the learned Special Judge, Excise, Muzaffarpur to dispose of the petition of the petitioner within one week of production/receipt of a copy of this order, in



accordance with law.

Accordingly, the writ application stands disposed of.

**(Dinesh Kumar Singh, J)**

**( Anil Kumar Sinha, J)**

Ashwini/-

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NIL        |
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