

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9721 of 2020

M/S. EFC Logistic India Pvt. Ltd. Company Incorporated under the Indian Companies Act 1956 having its registered office at No. 310, AL- Akbari Mansion 27, Westorn Street, Kolkata- 700012 through its authorized employee Mr. Amit Kumar Singh son of Mirtunjay Prasad Singh male, aged about 31 years, resident of Village- Meharpur, P.O. Kadra Chak, P.S. Shambhuganj, District- Banka, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Registration, Excise and Prohibition, Government of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Supaul.
4. The Superintendent of Police, Supaul.
5. The Station House Officer, Pipra, Supaul.

... .. Respondent/s

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Appearance :

For the Petitioner/s : Mr.Akhilesh Kumar, Adv
For the Respondent/s : Mr.Vikash Kumar (Sc11)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 23-12-2020

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“That the present writ application is being filed for issuance of appropriate writ(s), order(s), direction(s) to these respondent authorities, specially Respondent No.3, the District Magistrate, Supaul to release the consignment of the petitioner i.e., Shampoo and detergent laden on Vehicle No. HR61C- 2589 which has been seized in connection with Pipra Police Station Case No. 51 of 2020 dated 10.02.2020 instituted under Section 30 (a) of Bihar Prohibition and Excise Act, 2016 as alleged



that in course of search and seizure foreign liquor i.e., total 2311.635 liters was found upon the aforesaid vehicle. The petitioner further prays for a direction to the concerned respondent authorities restraining them to not initiate the confiscation proceeding of the consignment of the petitioner.”

Petitioner is engaged in business of transportation of goods throughout the country. Petitioner used to provide service to the Proctor and Gamble, Home Products Private Ltd for transportation of its consignment and said company approached petitioner for exporting 120 cases of Shampoo and 350 cases of detergent weighing 7.850 M.T., which was to be delivered in Bhutan for which petitioner hired a container for transportation of said products and same was loaded on said vehicle bearing registration no. HR61-C-2589 and all documents and invoices were handed over to the driver of the vehicle. However, when same did not reach its destination on inquiry it was found that same was seized by Pipra police in the district of Supaul on allegation of carrying illicit liquor in the vehicle.

It is submitted by learned counsel for the petitioner that the seized goods are not liable for confiscation under Section 56 of the Excise Act, as such bar of jurisdiction under Section 60 of the Excise Act is not applicable and the Special Court (Excise) where the excise case is pending has jurisdiction to release the seized goods.



The writ petition is disposed of with liberty to petitioner to file a petition under Section 451 of Cr.P.C. for release of the goods and the Special Court (Excise) shall dispose of such petition within 30 days from the date of its filing.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.01.2021
Transmission Date	NA

