

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1049 of 2020

In
Civil Writ Jurisdiction Case No.22047 of 2019

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M/s Bhartiya Bootee Bhawan, Industrial Estate, Deharadun Road, District Saharanpu (UP), and M/S Harwet International Private Limited, Near Nogaza Peer, District Saharanpur (UP) through Bhagirath Kumar Mishra, power of attorney holder, male aged about 51 years, S/o Shri Janardan Mishra, R/o Mishra Niwas, Dumari Tola, Ward No. 2, Raxaul, P.S. District East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through principal Secretary Excise Department, New Secretariat Patna.
2. The District Magistrate-cum-collector East Champaran.
3. The superintendent of police East Champaran.
4. The Excise superintendent, East Champaran.
5. The station house officer, PS Madhuban, district East Champaran.
6. The investigating officer PS case no. 115/2019 of Madhuban PS, East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chandra Kant, Adv.
For the Opposite Party/s : Mr. Vikash Kumar SC-11.

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

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE S. KUMAR)s

2 01-09-2020 This application has been filed for modification of the order dated 04.03.2020 passed by this court in C.W.J.C. No. 22047 of 2019 to the extent that second last para of the order in place of transporter may be modified as consignee Triveni Sales Corporation or consignor of the drug.



After passing of the order petitioner approached to the transporter to get the medicine release but the transporter refused as he is accused in the case and he has apprehension of being arrested.

Petitioner is the owner of the medicine which is perishable in nature and shall expire if not released at the earliest.

For the reasons as stated above, the order is modified to the extent that medicines be released either to consignee (Triveni Sales Corporation) or the consignor.

The modification petition is allowed to the extent as indicated above.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/-

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