

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 7149 of 2020

Goodrich Carbohydrates Ltd. Having its registered office at Village Nagla, Meerut Road, Karnal(Haryana) through tis authorized representative Manish Kumar, Male, Aged about 38 years, s/o Surendra Prasad Thakur, r/o Village- Chakaldad, PS. Chakalhdad, District Vaishali.

Petitioners

Vs

1. The State of Bihar through the Chief Secretary, Government of Bihar.
2. The Excise Commissioner, Prohibition, Excise and Registration Department, Government of Bihar.
3. The District Magistrate, Begusarai.
4. The Superintendent of Police, Begusarai.
5. The Officer In Charge, Police Station-Muffasil (Singhaul), District Begusarai.

Respondent/s

Appearance :

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

For the Respondent/s : Mr. Vivek Prasad GP-7

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 JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

13.07.2020

Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner has prayed for the following relief:-

“(i) For releasing of the milk products i.e. coffee creamer, tea creamer etc worth Rs. 24,82,050/- which have been illegally seized by the police officials of Singhaul Police Station, District Begusarai because the goods were loaded on the truck/container bearing Registration No. UP 21N 4130 carrying the some liquor and unloading the same liquor in Vinodpur Village.”



Informant who is a police officer conducted a raid alongwith other police personnel and during raid one container was found unloading prohibited liquor at the premises of Binodpur High School and as police reached the place, 3 miscreants fled away, however, three miscreants were caught after chase and on search of vehicle Tea rich powder 821 Cartoons, dairy delite 350 Packets and Tea Coffee Primer 200 Cartoons valued at Rs. 24, 82,050/- was seized along with 873 litres of illicit liquor, for which FIR was lodged giving rise to Muffasil (Singhaul) PS Case No. 323 of 2020 dated 26.06.2020 registered under sections 290, 120B of IPC and Section 30(a) of Bihar Prohibition & Excise Act, 2018. It is further stated that on 14.06.2020 petitioner company booked the goods to Truckeze Logistics Solutions Private Ltd to deliver the goods to the Manoj Enterprises, 167, Netaji Subhash Chandra Bose Road, Kolkata and in support E-way Bill and bill of the Company of the goods has been enclosed as Annexure-2 series.

It is submitted that seized goods in question i.e. milk products are not liable for confiscation under Section 56 of the Act, as such bar of jurisdiction in confiscation under Section 60 of the Excise Act is not applicable in case of seizure of milk



products and as such Special Court (Excise) where the case instituted under the Excise Act is pending has jurisdiction to pass an order for release of the seized milk products.

The writ petition is disposed of with liberty to the petitioner to file an application under Section 451 of the Cr.P.C. for release of goods seized under Excise Act and upon such petition being filed by the petitioner, the Special Court Excise is directed to release the goods which are perishable in nature on furnishing of two sureties (one local) to the extent of the value of goods sought to be released. The seized goods are directed to be released within 7 days from the date of furnishing of said sureties with usual terms and conditions and undertaking as imposed for release of goods/articles by the Special Court (Excise), after due identification and presentation of ownership documents of the goods.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

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

