

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7334 of 2020

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Usha Devi Wife of Late Hare Ram Singh, Proprietor Yash Raj Enterprises,
Resident of Village/Mohallah-Awadhpura, P.O.-Gultenganj, P.S.-Chapra
Muffassil, District-Saran at Chapra (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
3. The District Magistrate, Saran, District-Saran at Chapra (Bihar).
4. The Superintendent of Excise, Saran, District-Saran at Chapra (Bihar).
5. The Superintendent of Police, Saran, District-Saran at Chapra (Bihar).
6. The Station House Officer, Chapra Town Police Station, Saran, District-Saran at Chapra (Bihar).
7. The Investigating Officer of Chapra Town Police Station Case No. 101 of 2020, Saran, District-Saran at Chapra (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jagnnath Singh, Adv.
For the Respondent/s : Mr. Vivek Prasad, G.P. 7

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 31-08-2020

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

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

Petitioner has prayed for following reliefs:-



- i. “For release of the coal of the petitioner which has been seized illegally in connection with Chapra Town Police Station Case No. 101 of 2020 registered under Sections 420, 414, 34 of the Indian Penal Code and Section 30(C)(D) of the Bihar Prohibition and Excise act and in this case not a single drop of wine has been recovered.
- ii. For issuance of direction to release coal in favour of the petitioner and entitle of possession.
- Iii. For any other relief or reliefs for which the petitioner is found entitled in the eye of law.”

Informant has alleged in his self statement that he received secret information while he was conducting raid for recovery of illicit liquor that petitioner has stored coal which is being purchased by the miscreants engaged in manufacture of illicit liquor and thereafter seized the coal.

It is submitted on behalf of petitioner that she is proprietor of Yash Enterprises and is having valid GST number, Tax invoice and coal was legally purchased for which she has valid invoice. No illicit liquor was recovered from the place, as such, no offence is made out under the Excise Act.

As the seized coal is not liable for confiscation under Section 56 of the Excise Act and case has been instituted only on apprehension and suspicion that miscreants used to



purchase coal for preparation of illicit country made liquor, the Special Court, Excise has jurisdiction to pass order for release of seized coal.

Petitioner is granted liberty to file an application for release of seized coal before the Special Court, Excise, Saran at Chapra, who shall release the seized coal in favour of petitioner on usual terms and conditions as imposed by the court for release of seized article within 30 days from the date of filing of such petition.

With aforesaid observation and direction, this writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	N.A.

