

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7503 of 2020**

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Sumit Shukla Son of - Sri Rakesh Sukla Resident of Vill.- Hulka uchadih  
Allahabad, P.S.- Meja, Dist.- Allahabad at Uttar Pradesh.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principle Secretary Excise and Registration Department, Govt. of Bihar, Patna.
2. The District Magistrate Saran Chapra.
3. The Superintendent of Police Saran Chapra.
4. The Officer In Charge Madaura, Saran Chapra.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Dharmendra Kumar Singh, Advocate  
For the Respondent/s : Mr. Vikash Kumar, SC 11

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE S. KUMAR**

**ORAL JUDGMENT**

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

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

**Date : 14-09-2020**

Heard the parties.

Petitioner has prayed for following reliefs:-

1. To issue an appropriate writ/writs order/orders direction/directions including a writ in the nature of mandamus commanding the respondents to release of article which was seized in Madhaura P.S. Case No. 670 of 2020 dated 27-7-2020 which belongs to the company of the petitioner and petitioner is entitled for release these article.

2. To issue an appropriate writ/order or direction to directing the respondents not to take any coercive measure against article of petitioner.



3. To grant any other writ order or direction may be issued for which petitioner is entitled to.

Informant who is a police officer in his self-statement has alleged that on 26.7.2020 he received a confidential information that a container loaded with illicit liquor is coming from UP and on receipt of said information, he along with other police personnel reached the place and saw a container coming which was stopped and on search, huge quantity of illicit liquor and other commodities kept in the truck were seized and driver and co-driver were arrested giving rise to Madhaura P.S. Case No. 670 of 2020 under section 30, 30(A), 33, 41 of Excise Act.

Petitioner claims to be employee of the company which is engaged in transportation of goods and loaded goods of Dabur company from Ambala to Guwahati in 572 cartoons and has valid document for its transportation and was not aware that along with his goods, illicit liquor has also been kept for transportation.

As the goods of petitioner are not liable for confiscation under Section 56 of the Excise Act, bar of jurisdiction in confiscation under Section 60 of the Excise Act is not applicable and the Special Court, Excise where the excise case is pending has jurisdiction to pass an order for release of the 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 is directed to dispose of such petition within 30 days from the date of its filing.

**(Sanjay Karol, CJ)**

**( S. Kumar, J)**

Sanjay/-

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