

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8731 of 2020

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Ranjan Kumar Panday Son of Balindra Panday, Resident of Village Chainpur,P.S. and District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Excise, Government of Bihar.
3. The District Magistrate, Gopalganj.
4. The Excise Superintendent of District-Gopalganj.
5. The Excise Inspector, Balthari Chekpost, District-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar
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 : 04-11-2020

Heard the parties.

Petitioner has prayed for following relief:-

“This is an application for issuance of direction to

the respondents authority specially respondent nos.3 to 5

to release the seized 1900 thumps up bottles which has

been seized in Excise Case No.76/2020 in favour of

authorized owner Ranjan Kumar Pandey (petitioner) .”

The application for release of 1900 bottles of Thumps Up has been rejected by Special Court, Excise vide order dated 21.8.2020 passed in Excise Case No.76/2020.



It has been stated in the order as impugned that a report was called for from Chemical Examination Laboratory and the report disclosed that the cold drink was mixed with Ethyl alcohol containing 2.0 % V/V which comes under the definition of intoxicant and the Special Court (Excise) arrived at the finding that seized Thumps up is mixed with alcohol. Two bottles of Thumps up sample bearing batch no.16/7.2.20 and batch no.24/25.2.20 were sent for chemical examination and it was found in the lab analysis report that cold drink was mixed with alcohol.

The chemical analysis report of the seized sample of Thumps up was found to be intoxicant within the definition of intoxicant under the Excise Act, as such, this Court does not find any illegality or infirmity in the order passed by the Special Court (Excise) refusing to release it in favour of petitioner.

Accordingly, the writ petition is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.11.2020
Transmission Date	NA

