

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9579 of 2020

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Arion Logistic Pvt. Ltd. having its registered office at Chetak House Kapashera Estate, Delhi- 1100037, through its Authorised Representative Rahul Bishnoi, Male, Aged about 27 years, S/o Kharak Singh, R/o House No. 843, Near Shiv Mandir, Shiv Colony, Adampur (34), Hisar, Mandi, Adampur, Haryana.

... .. Petitioner/s

Versus

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, Sitamarhi.
4. The Superintendent of Police, Sitamarhi.
5. The SHO, Police Station Mahindwara, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar, 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 MR. JUSTICE S. KUMAR)

Date : 22-12-2020

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 respondents.

Petitioner has prayed for following reliefs:-

“That the instant writ application has been preferred for issuance of appropriate writ(s),



order(s) and/or direction(s):

(i) For releasing the Honey i.e., Saffola Honey 500G Glass Jar (Domestic) worth Rs. 95,785.32/- and Saffola Honey 250G Glass Jar (Domestic) worth Rs.9,02,616/- total of Rs.10,48,321/- which have been illegally seized by the police officials of Mahindwara Police Station, District- Sitamarhi because the goods were loaded on the truck/container bearing Registration No. UP 21 CN 5277 carrying liquor and unloading the same liquor at Near Sudha Dairy Maharani Ward No. 6 NH 77 in village Kodhalhiya.

(ii) Further for a direction upon the respondents to release the goods in favour of the petitioner who is the transporter of the said goods.

(iii) To pass such other order(s) and direction(s) as your Lordships may deem fit and proper in the facts and circumstances of the case.”

Petitioner is transporter authorized by the owner of the goods to transport them from Haridwar (Uttarakhand) to Hugli (West Bengal) and on 12.11.2020 the goods were booked for its transportation but while passing through Bihar it is alleged that illicit liquor were also being carried on said container and which were being unloaded and upon information



police reached there and seized the illicit liquor and container as well as honey kept in said container by the police giving rise to Mahindwara P.S. Case No. 138 of 2020 instituted under 30(a) (b) (C) (d) (f), 37, 41 of the Excise Act in the district of Sitamarhi.

It is submitted that seized goods in question i.e. Safola Honey are not liable for confiscation under Section 56 of the Excise Act, as such, bar of jurisdiction in confiscation under 60 of the Excise Act is not applicable and the Special Court (Excise) where the case instituted under the Excise Act is pending has jurisdiction to pass an order for release of seized Safola Honey.

The writ petition is disposed of with liberty to petitioner to file an application under Section 451 of Cr.P.C. for release of goods seized under the 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 value of seized goods sought to be released.

The seized goods are directed to be released within seven days from the date of furnishing of such sureties with usual terms and conditions and undertaking as imposed for



release of goods by the Special Court (Excise) after due identification and presentation of ownership documents with respect to goods.

(Sanjay Karol, CJ)

(S. Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.01.2021
Transmission Date	NA

