

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 633 of 2020

Ram Singh Verma s/o Tiku Ram Verma, r/o Mohalla-C-190, Shalimar Garden,
Ext-II, P.S. Sahibabad, District Ghaziabad (UP).

Petitioners

Vs

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Bihar Patna.
2. The Excise Commissioner, Prohibition, Excise and Registration Department, Government of Bihar.
3. The Excise Officer, Bihar Prohibition & Excise Act, 2016.
4. The District Collector, District Darbhanga, Bihar.
5. The Superintendent of Police, District Darbhanga, Bihar.
6. The Officer In Charge of Sadar Police Station District Darbhanga.

Respondent/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Adv
For the Respondent/s : Mr. Vikash Kumar SC11.

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)

09.07.2020

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

Petitioner has prayed for the following relief:-

“(i). For issuance of an appropriate writ/writs, direction/directions, order/orders directing the respondents to release the Goods (EXO Round 500 gm. T & S Ginger Detergent Soap). Total Cartoon 750, which was seized in Special Case No. 963 of 2019 arising out of Darbhanga Sadar Police Station Case No. 396 of 2019 dated 21.09.2019 for the offence under Section 30(a) of Bihar Prohibition & Excise Act, 2016.”

Informant who is a police officer has alleged that on



receiving information that one truck is parked in an abandoned condition, he alongwith other police personnel reached the place but driver or cleaner of the truck could not be traced and thereafter search of the truck was made from which 730 Cartoons of Detergent of EXO Company was found which were in good condition and 20 Cartoons were in damaged condition and thereafter illicit foreign liquor in huge quantity was also recovered from said truck for which Darbhanga Sadar PS Case No. 396 of 2019 dated 21.09.2019 was registered under Section 30(a) Bihar Prohibition & Excise Act, 2016 and the detergent, illicit liquor and truck were seized.

It is submitted that petitioner is authorized General Manager of M/s ABG Logistics Ltd., for transportation of goods of M/s Jyothy Laboratories from Uttrakhand to Bihar. Goods were purchased by Jyothy Labs Limited, Muzaffarpur, thereafter the company provided tax invoice and E-way Bill and same was loaded on truck and thereafter lorry challan and permit was issued by the Company on 12.09.2019.

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



Special Court (Excise) where the case instituted under the Excise Act is pending has jurisdiction to pass an order of release of the seized detergent.

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

