

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5272 of 2021

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M/s Laborate Pharmaceuticals India Limited, a company registered under the Indian Companies Act, 1956 having its registered office at E-11, Industrial Area, Panipat, Haryana through its authorized representative namely Rajnish Kumar, s/o Hemendra Nath Thakur, aged about 36 years (Male), resident of Baghmara, P.S.-Simraha, District-Araria, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Prohibition Excise and Registration Department, Government of Bihar, Patna.
2. The Excise Commissioner, Department of Prohibition Excise and Registration Department, Government of Bihar, Patna.
3. The District Magistrate, Gopalganj.
4. The Excise Inspector, Balthari Check Post, Excise Police Station, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanchay Srivastava, Advocate Mr. Aalekh Anand, Advocate Mr. Saurav Suman, Advocate Mr. Ravi Prakash, Advocate
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 : 19-05-2021

Heard the parties.

Petitioner has prayed for following reliefs:-

“For issuance of an appropriate writ order/direction(s) in the nature of Mandamus for a direction to the concerned respondents authorities to forthwith release the life-saving essential medicines/drug belonging to



the petitioner in favour of the petitioner which was seized in connection with Excise Case No. 368/2020 dated 24.12.2020, instituted under Sections 30(a) and 41(1) of the Bihar Excise (Amendment) Act 2018 alongwith Sec. 120(B) IPC without any fault of the petitioner.

II. That the present writ application is being filed for issuance of an appropriate writ order/direction(s) in the nature of mandamus or any other appropriate writ to direct the concerned respondent authorities to forthwith release the aforesaid medicines belonging to the petitioner in favour of the petitioner immediately as it is causing irreparable damage to the petitioner who is directly affected due to seizure of the aforesaid medicine as the condition of medicine is liable to deteriorate with passage of time.

III. And for issuance of any other relief or relief(s) for which the petitioner is entitled for.

Petitioner claims to be renowned manufacturer of medicines and is a company registered under the provisions of Company Act. It is submitted on behalf of petitioner that Life Saving Medicines were being transported from its manufacturing unit at Panipat to C.N.F., Patna from the truck bearing Registration No. JH01 CR 7603 which was intercepted by the Excise Officer and on search huge quantity of foreign



wine was found concealed in said truck, as such, driver and co-driver were arrested giving rise to Excise Case No. 368/2020 (Gopalganj) and truck, illicit wine as well as medicine of petitioner was seized by the Excise officials.

It is submitted that petitioner is the owner of seized medicine which was being transported from its manufacturing unit, Panipat to its CNF, Patna which is perishable in nature and petitioner has nothing to do with the illicit liquor or the seized truck.

As the seized medicines are not liable for confiscation under Section 58 of the Excise Act, as such, bar of jurisdiction in confiscation under Section 60 of the Excise Act is not applicable and the Special Court, Excise, Gopalganj where Excise Case No. 368/2020 is pending is empowered to release the seized medicines during pendency of trial, as such, order dated 11.01.2021 passed by Additional District and Sessions Judge-2, Gopalganj in Excise Case No. 368/2020 (as contained in Annexure-2) is set aside.

The writ petition is disposed of with direction to the court below to release the medicine in favour of petitioner upon furnishing of adequate security to the satisfaction of court and upon production of documents of ownership of medicine with



terms and conditions as usually imposed for release of said commodities during trial within 10 days from the date of receipt/production of a copy of order passed by this Court.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.05.2021
Transmission Date	NA

