

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14183 of 2021

1. Wim Plast Ltd. having its Unit - I Office at S No.- 327/ 1 to 4 and 7 A of Kachigam, Village Kachigam Swami, Narayan Gurukul Road, Daman and Diu DD 396210IN and its Registered office at Cello House, Corporate Avenue, First Floor, B Wing, Sona Wala Road, Goregaon (East) Mumbai - 400063 Maharastra through its Authorized Signatory Balmiki Prasad, Male, aged about 48 years, Son of Late Ram Chandra Prasad resident of Opposite 4H/21, Bahadurpur Housing Colony, P.S. Agamkuan, District - Patna.
2. Balmiki Prasad, Son of Late Ram Chandra Prasad, resident of Opposite 4H/21, Bahadurpur Housing Colony, P.S. Agamkuan, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary cum Commissioner, Department of Prohibition and Excise, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The District Magistrate cum Confiscating Authority, District East Champaran (Motihari), Bihar.
4. The Superintendent of Police, District - East Champaran.
5. The Superintendent, Prohibition, District East Champaran, (Motihari), Bihar.
6. The Officer in Charge cum Investigating Officer, Sikarhana, District - East Champaran (Motihari).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Prabhat Ranjan, Advocate
For the Respondent/s	:	Mr.Vikash Kumar (S.C. 11)

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 : 17-08-2021

Heard learned counsel for the parties.

Petitioners have prayed for following relief(s):-

“A declaration that the seizure of Plastic
Molded Furniture and home aid accessories

seized in connection with Sikarhana P.S. Case No. 262 of 2021 (Excise Case No. 262 of 2021) dt. 0.7.2021 under Section 30(a), 32, 38 41(1) of the Bihar Prohibition and Excise Act, 2016 is void and illegal and ultra vires the provisions of the Prohibition Act, 2016;

(ii) Release of the Plastic Moulded furniture and homeaid moulded accessories seized by the respondents in connection with Sikarhana P.S. Case No. 262 of 2021 (Excise Case No. 262 of 2021) under Section 30(a), 32, 38, 41(1) of the Bihar Prohibition and Excise Act, 2016 during the pendency of the instant writ application; and

(iii) Restraining the respondents from taking any coercive action during the pendency of the instant writ application.”

As recovered and seized Plastic Molded Furniture and home aid accessories is not liable for confiscation under section 56 of the Excise Act, as such, bar of jurisdiction in confiscation under section 60 of the Excise is not applicable and the special court excise has jurisdiction to pass order for release of Plastic Molded Furniture and home aid accessories during pendency of trial.

Petitioner would be at liberty to file a petition before the special court excise under section 451 of Cr.P.C. and if any such petition is filed for release of Plastic Molded Furniture and home aid accessories, the special court excise shall dispose of such petition within 30 days from the date of its filing.

Petition stands disposed of with the aforesaid observations/directions.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

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