

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.260 of 2022

Arising Out of PS. Case No.-22 Year-2022 Thana- MOHAMMADPUR District- Gopalganj

M/s Bokaro Carrying Corporation, through its authorized representative namely Dinesh Kumar Singh having its Head Office At - P-2, Kalakar Street, Kolkata, 700070, Aged about 54 years, Male, Son of Lal Babu Singh, Resident of Mithouli, Jagatpur, Bhoaraha, District - Madhubani

... .. Petitioner.

Versus

1. The State of Bihar.
2. Bholu Rajwanshi, presently posted as S.I., Mohammadpur Police Station, District – Gopalganj, Bihar

... .. Respondents.

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate

For the Respondent/s : Mrs. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-05-2022 Heard learned counsel for the petitioner and learned APP for the State.

The present criminal revision application has been preferred against the order dated 22.03.2022 passed by the learned A.D.J.-II-cum-Special Judge, Excise, Gopalganj in Mohammadpur P.S. Case No.22 of 2022 by which the application of the petitioner for release of goods/article has been rejected.

750 ml of foreign liquor and 374 bundles of gunny bag, iron net, plastic bag and cartoon are said to have been recovered from a truck.

Learned counsel for the petitioner submits that the



petitioner is a transporting company in the name and style of 'Bokaro Carrying Corporation'. Petitioner is neither the owner of the alleged truck nor the arrested accused persons belongs to the petitioner company. He further submits that the articles/goods mentioned in column B of seizure list i.e. 374 bundle of gunny bag, iron net, plastic bag and cartoon belongs to the petitioner, which was booked by the petitioner to deliver the same at their destination. He further submits that S.H.O., Mohammadpur Police Station in its report dated 22.02.2022 has clearly stated that except 374 bundles of goods nothing incriminating article has been recovered from the body of the truck and if the same is released in favour of the petitioner he has no objection as the same is not required for investigation. The seized articles, which are mainly sport items, are not come under the purview of the Section 56 of the Excise Act. He lastly submits that the case of the petitioner is squarely covered with the judgment dated 05.07.2021 passed in C.W.J.C. No.9618 of 2021 by the Division Bench of this Court wherein it has been held that other articles recovered are not at all subject matter of confiscation.

Having heard learned counsel for the petitioner and perusing the case record, in my considered opinion, no useful



purpose would be served in keeping this application pending as the seized articles are not come under the purview of the Excise Act.

Accordingly, I direct the petitioner to file a fresh application before the learned Court below concerned and the learned Court below is directed to dispose of the same on the same day, especially considering the fact that the seized articles are not come under the purview of the Excise Act and the petitioner's case is squarely covered by the judgment of the Division Bench.

This application stands disposed of.

(Anjani Kumar Sharan, J)

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