

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8182 of 2022

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Tirupati Logistics Private Limited A Company registered under the provisions of Companies Act, 1956 having its registered office at Crescent Tower, 5th Floor, 229, A.J.C. Bose Road, Kolkata- 700020 through its Branch Manager-cum-authorized Signatory Mr. Raj Kishor Manjhi alias Raj Kishor Majhi (M) aged about 43 years, Son of Jadu Nath Manjhi, Resident of Cowies Ghat, Aloka Cinema, Howrah, Police Station- Howrah, District- Howrah (West Bengal).

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Registration, Excise and Prohibition, Govt. of Bihar, Patna.
2. The Collector-cum-District Magistrate Kishanganj.
3. The Superintendent of Police Kishanganj.
4. The Excise Superintendent Kishanganj.
5. S.H.O., Excise P.S.- Kishanganj District- Kishanganj.

... .. Respondent/s

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice /Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences /offices.)

Appearance :

For the Petitioner/s : Mr.Raj Kumar, Adv
For the Respondent/s : Mr.Kumar Manish (SC5)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 22-07-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“For direction to the State Respondents to release the total 1240 cartoons X 12 bottles in each cartoons and each bottle containing 650 ml, total quantity 9672 litres Kingfisher Strong Premium Beer, was being transported by Truck/vehicle bearing Reg. No. WB 51A-2223, which was seized in Excise P.S. Case No. Kishanganj case No. 07 of

2022) for the offence punishable U/s 30(a) of Bihar Prohibition and Excise Act, 2016 on dated 10.04.2022, specially to respondent No. 2, in favour of the petitioner.”

Learned counsel for the petitioner, states that similar petition being **CWJC No. 6944 of 2018 (Tirupati Logistics Privated Ltd. Vs. State of Bihar & Ors)** was disposed of vide judgment and order dated 23.04.2018, and the present petition may also be disposed of in the light of the said petition.

In view of the same, as mutually agreed, the instant petition stands disposed of in terms of the judgment dated 23.04.2018 passed by this Court in **CWJC No. 6944 of 2018 (Tirupati Logistics Private Ltd. Vs. State of Bihar & Ors)** making the directions issued therein applicable *mutatis mutandi*, to the extent possible also to the instant case. Relevant para 7 & 8 whereof reads as follows:-

“7. Without going into the merit of the contentions advanced on behalf of the petitioner and the learned Advocate General for the State, at this stage we are of the considered opinion that at this stage the Excise Commissioner, Bihar, Patna be directed to consider the request of petitioner for release of vehicle and the beer loaded thereon, on such terms and conditions which may be imposed by him under the Act. The petitioner may file an application seeking release of the vehicle and beer along with a certified copy of this order and on filing of such application the Excise Commissioner, Bihar shall consider the same and shall dispose of the application in accordance with law within a period of 15 days from the date of receipt of the application keeping in mind the submission of the parties.

8. In case the Excise Commissioner, Bihar fails to dispose of the application of the petitioner within the aforesaid period of 15 days, the petitioner will have a liberty to move this court seeking appropriate relief in accordance with law.”

Interlocutory Application(s), if any, shall stand disposed
of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

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