

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15960 of 2022

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M/s Narmada Agri Care, (GSTIN-06BFEPS0062JIZH), Office address- Opposite Gupta Exim Private Ltd, Chaprolla Road, VPO-Prithla, Palwal, Haryana, Code-06, through its Proprietor Mohit Solanki, Aged-45 Years, Gender-Male, S/o Ramesh Solanki, Resident of -Nepania Road, Samar Park, P.S.-Lasudia, District-Indore, State-Madhya Pradesh.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secreary, Prohibition, Excise and Registration Department, Govt. of Bihar, Patna.
2. The Excise Commissioner, Govt. of Bihar.
3. The District Magistrate, Kaimur at Bhabua.
4. The Senior Superintendent of Police, Kaimur at Bhabhua.
5. The Station House Officer, Mohania Police Station, Mohania (Kaimur).
6. M/S Sunrise Logistics India, (GSTIN No. 06BQFPP0604PIZO, PAN No.- BQFPP0604P), through its Proprietor Sri Prakash Yadav aged about not Known at Present, S/o Devendra Yadav, (Transported ID-06BQFPP0664PIZO), Address-Plot No.-D-419, Ajronda Market Road, Sector-15A, Faridabad (Haryana), E-mail-Sunriselogisticsfbd@gmail.com.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-12-2022

Heard learned counsel for the parties.

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

“A. For issuance of a writ in the nature of certiorari or any other appropriate writ/s, order/s, direction/s in the nature of mandamus commanding and directing upon the respondents / authorities concerned to release the seized Agro fertilizer products (detailed in below paragraphs of this writ



application) of in favor of the petitioner subject to reasonable condition and sureties, if required, or as this Hon'ble Court deems fit and proper in the facts and circumstances of the present case, seized in connection with Mohania P.S Case No.283 of 2022, pending before the learned Additional Session Judge II-cum-Special Judge Excise Kaimur at Bhabua, and in which till date to our knowledge no confiscation proceeding has been initiated before the concerned District Magistrate, Gaya.

B. For any other relief/s which this Hon'ble Court deems fit and proper in light of the facts and circumstances of this case.”

As recovered and seized Agro Fertilizer Products i.e 195 Bags 726 Box (Annexure-1 series) are not liable for confiscation under section 56 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) has jurisdiction to pass order for release of seized Agro Fertilizer Products i.e 195 Bags 726 Box (Annexure-1 series) during pendency of trial.

The writ petition is disposed of with liberty to petitioner to file a petition before the Special Court (Excise) where the excise case is pending under section 451 of Cr.P.C. and if any such petition is filed for release of seized Agro Fertilizer Products i.e 195 Bags 726 Box,(Annexure-1 series) the Special Court (Excise) shall dispose of such petition within



30 days from its filing.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Ashwini/r-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.12.2022
Transmission Date	NA

