

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.4504 OF 2022

M/s. We Brand Bio and Another ..Petitioners

Versus

The State of Maharashtra and Others ..Respondents

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Mr. Pandurang D. Pol i/by M/s. Pol Legal Juris and
Mr. D. S. Mali, Advocate for the Petitioners.
Mr. S. G. Karlekar, AGP for Respondents-State.

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**CORAM : R. D. DHANUKA &
S. G. MEHARE, JJ.**

DATED : 06th MAY, 2022.

PER COURT:-

1. The petitioners have filed this petition under Article 226 of the Constitution of India *inter alia* praying for order and direction against respondents to withdraw the illegal detention and release the Trailer Vehicle forthwith No.MH-04-JU-0422 and ISO Container No.GESU-8064120 alongwith the produce 'Mixed Mineral Hydrocarbon Oil'.

2. Mr. Pol, learned counsel for the petitioners invited our attention to the FIR dated 26.02.2022 and would submit that, there is alternate remedy available to the petitioners to file an appropriate application for release of the vehicle and the product described in prayer Clause 'a' of the petition. Since there are serious allegations made against the officers who are

impleaded as respondent nos.3 and 4 to the petition, the petitioners shall not be asked for alternate remedy available in law.

3. Mr. Karlekar, learned A.G.P. for the State submits that, the FIR has been already filed on 26.02.2022, whereas complaint was made for the first time on 29.03.2022. He denies the allegations made by the learned counsel for the petitioners against the respondents.

4. In our view, the remedy of the petitioners would be to file a appropriate application before the concerned Magistrate for seeking release of the vehicle as well as product prescribed in prayer Clause 'a' of the petition. If any such application is filed, the same shall be disposed of within a period of 15 days from the date of such application. The petitioner would be at liberty to apply before the concerned Magistrate, even if there is any vacation.

5. Writ Petition is disposed of. No orders as to costs.

(S. G. MEHARE)
JUDGE

(R. D. DHANUKA)
JUDGE