

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1702 of 2024

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Patanjali Foods Limited through its Authorized Representative Sh. Aamir Ali
S/o Sh. Mahmood Ali At Patanjali Foods Limited Mahrauli Road Patna City
800009.

... .. Petitioner/s

Versus

1. The State of Bihar
2. District Magistrate, Hajipur Vaishali Having its Office at Collectorate Building, Hajipur, Vaishali, Kachahari Rd, Hajipur, Bihar 844101

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sriram Krishna, Advocate Mr. Amarjeet, Advocate
For the Respondent/s	:	Mr. Government Advocate No.9

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

3 02-02-2024 In the instant petition, the petitioner has prayed for
the following relief(s):-

*“a. For issuance of a Writ of Mandamus or any
other appropriate Writ, Order or Direction in the
nature of Mandamus directing the Respondent no.2 to
pass necessary order by deciding the application filed
by the petitioner to release a total of 225 cartons of
seized essential commodity (Kachchi Ghani Mustard
and Rice Bran Oil) seized in FIR No. 754 of 2023
registered at PS: Hajipur Sadar registered under
Section 30(a), 32(2), 36, 41(2) of Bihar Prohibition and
Excise Amendment Act, 2018;*

*b. For any other relief/reliefs to which the
petitioner may be found entitled under the facts and*



circumstances of the present case.”

2. Seizure of material as is evident from the FIR does not relate to any spirit or alcohol (excise). Therefore, the petitioner has remedy insofar as challenging the FIR and consequential orders under Section 482 of the Cr. P.C. and not in Writ. Question of issuing the direction to the second respondent for release of the subject matter of the materials, like seized essential commodity (Kachchi Ghani mustard and Rice Bran Oil) about 225 cartons, which was seized and FIR No. 754 of 2023 was registered while quoting various provisions of Bihar Prohibition and Excise Amendment Act, 2018 is not warranted. Therefore, the petitioner has not made out a case so as to entertain the present writ petition.

3. Accordingly, the present writ petition stands dismissed.

4. Dismissal of the present writ petition would not be hurdle to the petitioner to invoke remedy before appropriate forum.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Amrendra/-

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