

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1154 of 2024

Arising Out of PS. Case No.-486 Year-2024 Thana- Excise P.S. District- Patna

Rajeev Kumar Son of Om Prakash Sharma, Resident of Village- West Azimaganj, Post - P.S.- Haveli Kharagpur, District- Munger authorised representative Cum Area Manager/ C And F Agent of Cantica Biotech, Patna
... .. Petitioner

Versus

1. The State of Bihar Represented Through The Sect., Dept. Of Excise And Prohibition, Govt. Of Bihar Patna
2. The Excise Commissioner, Department Of Excise And Prohibition, Govt. Of Bihar, Patna
3. The District Magistrate, Patna
4. The Superintendent Of Police, Patna
5. The Inspector, Excise Police Station, Patna

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Kumar Chandra Shekhar, Advocate
For the Respondent/s : Mr. Deepak Kumar, AC to GP-4

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-06-2024 Heard learned counsel for the petitioner and Mr. Deepak Kumar, learned AC to GP-4 for the State.

2. This application has been filed seeking setting aside of the part of the order dated 13.05.2024 passed by learned Special Judge Excise-03 Patna in Patna Excise Case No. 486 of 2024 whereby and whereunder while directing release of the medicines in favor of the petitioner, the learned court has been pleased to impose a condition directing the petitioner to deposit a cash amount of Rs. 2,94,000/- with the Civil Court, Nazarat.

3. Learned counsel for the petitioner submits that on perusal of the order dated 13.05.2024 (Annexure 'P/5') passed



by the learned Special Judge Excise-03, Patna, it would appear that the learned court has upon consideration of the facts and circumstances of the case found that the medicines are life saving drugs and those are perishable items, therefore, those medicines are required to be released in favor of the petitioner. It is submitted that despite these observations and finding of the learned court, the court proceeded to impose a condition wherein the petitioner has been directed to deposit a sum of Rs.2,94,000/- in cash in the Civil Court, Nazarat.

4. Learned counsel submits that the present petition has been filed by the petitioner who is authorised as Area Manager/CNF-In-Charge to claim of the company, namely, Cantica Biotech. Learned counsel submits that the company is engaged in manufacturing and marketing of the life saving medicines and it has its reputation in the market, therefore, a surety bond from the authorised representative of the company to the extent of the value of the medicine would have served the purpose.

5. Mr. Deepak Kumar, learned AC to GP-4 for the State does not dispute that the medicines are the life saving drugs and are perishable items. Learned counsel submits that in the cases where release of the vehicles etc. in excise matters are



ordered by this Court or by the authorities, normally such release are ordered on submission of surety bonds (not in cash).

6. Having heard learned counsel for the petitioner and learned AC to GP-4 for the State, this Court is of the considered opinion that the imposition of condition to deposit Rs.2,94,000/- in cash is an onerous condition which was not required to be imposed in the facts of the present case where it relates to release of the life saving medicines which are perishable items. Accordingly, this Court sets aside the condition imposed by the learned Special Judge Excise-03, Patna and directs that on submission of a surety bond by the petitioner as an authorised representative of the company (not in cash or in form of bank guarantee) to the extent of the value of the medicines, the medicines shall be released forthwith.

7. This application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

