

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5024 of 2026

Mintu Gowala Son of Jagat Gowala, Resident of village- Gangapara, Sarupat Gaon, Post- Ghoramari, Police Station- Sonitpur, District- Chariduar (Assam), presently working as Manager, LSJ Biotech Pvt. Ltd., IGL, PIDC, Ghoramari, Balipara, Assam- 784105.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate-cum- Collector, Darbhanga.
3. The Senior Superintendent of Police, Darbhanga.
4. The Excise Superintendent, Darbhanga.
5. The Officer -in- charge, Simri Bazar Police Station, District- Darbhanga.
6. The Investigating Officer of Simri Bazar P.S. Case- No. 12 of 2026, Police Station- Simri Bazar, District- Darbhanga.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Nilendu Kumar Choudhary, Advocate Mr. Kundan Sandilya, Advocate
For the State	:	Mrs. Deepika Sharma, AC to SC-15

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

2 28-04-2026 Heard learned counsel for the petitioner and learned

AC to SC-15 for the State of Bihar.

2. The petitioner in this writ application is seeking the
following reliefs:-

“For issuance of appropriate writ/writs, direction/directions, order/orders especially in the nature of certiorari for quashing the order dated 25.02.2026 passed by the court of Special Court Excise-II, Darbhanga in Simri (Simri Bazar) P.S. Case No. 12 of 2026 which has been registered for offence under section 30(a) of the Bihar Prohibition and Excise Act-2022 (Amended), whereby and



whereunder the petition for release of DXNRG Tea total 2233 boxes so seized in the aforesaid case in favour of the petitioner has been dismissed and further to direct the Respondent authorities to release the aforesaid goods i.e. DXNRG Tea total 2233 boxes in favour of the petitioner and/or for any other relief or reliefs to which the petitioner may be found entitled to in course of hearing of this writ application.”

3. It appears on perusal of the writ application that the Simri (Simri Bazar) police intercepted a truck bearing Registration No. BR01GP5264. From the said truck, 42 cartoons were seized in which Royal Stag liquor in several bottles were found. The petitioner is not concerned either with the truck or the seized liquors.

4. It is the case of the petitioner that 2233 boxes of tea manufactured by DXNRG Company were being transported in the same truck which have also been seized by police. The petitioner is presently working as Manager of LSG Biotech Pvt. Ltd., IGL, PIDC, Ghoramari, Balipara, Assam. It is this company which is said to have booked a consignment on 28.01.2026 through the transporter DIPTAB Ventures Pvt. Ltd. The vehicle that was given for the purpose of transportation of tea boxes was BR01GP5264 which was a container.

5. It is stated that the consignment was booked from Assam and the same was to be delivered at DXN Marketing



India Pvt. Ltd., Patna, Shalimar Cold Storage, Gate No. 2, Ground Floor, Bypass Road, Anisabad. There were three types of goods in the said container and the goods were worth Rs.19,13,536/- and IGST for the same was Rs.95,676.80/-. The DXN Marketing India Pvt. Ltd. was supposed to pay Rs.20,09,213/- for the said goods. The e-way bill was generated having e-way bill no. 831636153293 with the given distance of 1010 km.

6. Learned counsel for the petitioner submits that neither the consigner nor the consignee of the tea has any stake either in the truck or in the illicit liquors, however, the tea worth Rs.20 Lakhs approximately are losing their worth as those are lying in the police station.

7. Learned counsel for the petitioner submits that on legal advice, the petitioner had moved before the court of learned Special Judge, Excise-II, Darbhanga for release of the goods (tea). A report was called for from police and according to the said report, the seized article (2223 boxes of DXNRG tea) have not been sent for confiscation and those articles are not required for investigation. The learned Special Judge has, however, rejected the application for release of the goods on the ground that by virtue of Section 60 of the Bihar Prohibition and



Excise Act, 2016, the Special Judge would have no jurisdiction in the matter of confiscation.

8. In such circumstance, the petitioner has approached this Court as there is no equally efficacious and alternative remedy available to the petitioner.

9. Learned AC to SC-15 for the State does not dispute the contention of the petitioner that the petitioner is not looking for release of the truck or the illicit liquor. The petitioner is only concerned with the boxes of tea which have not been sent for confiscation and are not required for purpose of investigation of the case.

10. Having regard to the entire facts and circumstances of the case, considering the perishable nature of the goods (tea) which is likely to get expired within few months only, we are of the considered opinion that this Court may exercise its extraordinary writ jurisdiction to direct the competent authority/respondents to release the tea boxes in favour of the consigner or consignee, as the case may be.

11. Accordingly, we direct the District Magistrate-cum-Collector, Darbhanga (Respondent No.2), the Senior Superintendent of Police, Darbhanga (Respondent No.3), and the Officer-in-Charge, Simri Bazar Police Station, Darbhanga



(Respondent No. 5) to act in tandem with each other and ensure release of the tea boxes (2233 boxes of tea) which have been seized in connection with Simri (Simri Bazar) P.S. Case No. 12 of 2026 within one week from the date of production of a copy of this order.

12. Since the tea boxes are not required for purpose of investigation, the respondents shall not insist for any bond or security from the consigner or the consignee, as the case may be. The Officer-in-Charge, Simri Bazar Police Station, District-Darbhangha may look into the documents of consignment for purpose of release of the goods within the given period but he shall not impose any condition from his own side creating any hurdle in the matter of release of the tea.

13. This writ application stands allowed to the extent indicated hereinabove.

14. Let this order be communicated to Respondent Nos. 2, 3 and 5 immediately.

(Rajeev Ranjan Prasad, J)

(Soni Shrivastava, J)

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