

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3747 of 2025

DTDC Express Ltd. (Courier Company) Near Didarganj Toll Plaza, Bypass Road, Karamalichak Nagar, P.S.-Malsalami, District- Patna, Bihar- 800009. Through its legal Manager, Arnab Mukherjee male, aged about 39 years, S/o Apurba Nath Mukherjee, R/o Behala, Circus Avenue Kolkata, P.S. Parnausi, District- Kolkata (West Bengal)

... .. Petitioner/s

Versus

1. The Principal Secretary, Excise Department, Govt. of Bihar, Secretariat Patna.
2. The District Magistrate Cum Collector, Buxar District- Buxar.
3. The Sub Divisional Magistrate (SDM) Buxar, District- Buxar.
4. The Excise Superintendent, Buxar, District-Buxar.
5. The SHO, Buxar Excise Police Station, District-Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Fahad Khurshid, Adv.
Mr. Kumar Kaushik, Adv.
For the Respondent/s : Mr. Sushil Kumar (GP-22)
Mr. K.K. Singh, AC to GP-22

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT

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

Date : 02-07-2025

In the instant petition, petitioner has prayed for the following reliefs:

“(A) A writ in the nature of mandamus commanding the respondents to release the goods seized in connection with Buxar Excise P.S. Case No.



240 / 24 (Ann.-2) dated 29.6.24. The goods prayed to be released are mentioned in the list annexed as Annexure-1 to this writ petition. The goods are not prohibited.

(B) A writ in the nature of certiorari quashing the order dated 6.12.2024 and 27.12.2024 (Ann.- 9 and 11 respectively) passed by the SDM Buxar P.S. Case No. 240 2024 whereby and whereunder the SDM (respondent no.4) has declined to release the good items which are not forbidden/prohibited under the law. Also the two orders by the SDM Buxar Sadar is unreasonable and do not address the main issue.

(C) For passing any other suitable order/s which your lordship deems fit.”

2. The petitioner – DTDC Express Ltd. are into courier business. They have booked the truck-container bearing no. HR55A-H-7501 for the purpose of transportation of goods from Gurugram to Patna. During the transit, the vehicle was seized at New Ganga Bridge, Excise Checkpost, Buxar Industrial Area, Distt. Buxar on 29.06.2024. The driver of the truck was not only carrying the goods of the petitioner, he was carrying 360 litres of liquor. Thus, the Excise / Police officials proceeded to initiate action against the driver of the truck while seizing the subject



matter of the vehicle along with the goods. For the release of goods other than liquor, the petitioner who is owner of the goods, had filed criminal petition before the jurisdictional court on 03.07.2024 and it was rejected on 29.07.2024. He had approached the Authorities on 07.09.2024 for release of the goods. It was not materialized resultantly, he had invoked remedy before this Court in filing CWJC No. 15630 of 2024 and it was disposed of on 08.10.2024 while directing the official-respondents to consider the petitioner's grievance within a period of three weeks. Thereafter, the Authorities have rejected on two occasions namely, 6.12.2024 and 27.12.2024, which are the subject matter of the present litigation. Simultaneously, petitioner had filed one more criminal petition before the jurisdictional court and it was rejected on 06.01.2025. Hence, the present petition.

3. Learned counsel for the petitioner submitted that he being only an agent and who is into courier business, he had booked the subject matter of truck container for the purpose of transporting goods other than the excise material, which has been narrated on page-27 (Annexure - 1) to the seizure list. The container/truck should have been seized along with the liquor only, for the reasons that perusal of the FIR, offences for the



seizure of the container/truck is only to the extent that possession of the vehicle has violated offences under the Excise Act. Annexure -1 to the seizure memo is not in respect of item no. 1 to 33 is not relating to excise material. Therefore, in all fairness, the seizure authority should not have seized. Assuming that it was seized, which should have been released in favour of the concerned person after due verification of the records.

4. Further submitted that unnecessarily petitioner has been harassed from 29.06.2024 to till date. He was compelled to invoke number of remedies before the criminal jurisdictional court and before this Court. Overall on four occasions, he has invoked the remedy before court of law. Therefore, seizure of Annexure-1 items at 1 to 33 is without authority of law. In particular, those items do not fall under the offence of the Excise Act.

5. Per contra, learned counsel for the respondents, submitted that there is no infirmity in the seizure of the items at 1 to 33 at Annexure-1 for the reasons that whatever the seizure of 360 liters of liquor was carrying with these goods. Therefore, there is no infirmity. It is further submitted that 5th respondent is stated to have informed the higher authorities. Therefore, there is no infirmity in respect of inaction insofar as release of the



goods narrated in Annexure-1 in particularly, item no. 1 to 33 in favour of the petitioner.

6. Heard the learned counsels for the respective parties. Undisputed facts are that on 29.06.2024, vehicle no. HR55A-H-7501 was seized along with the 360 litres of liquor and goods narrated in Annexure-1 to Seizure Memo at serial no. 1 to 33. It is also not disputed that the petitioner had invoked criminal jurisdictional court on two occasions and before this Court this is the second round litigation.

7. Despite these multiple limitations, the petitioner was not extended the relief for which he is entitled to. In other words, seizure of the goods at item no. 1 to 33 to Annexure-I to the Seizure Memo is not part and parcel of excise material so as to invoke offences under the Excise Act. It is to be noted that item no. 1 to 33 of Annexure-1, the concerned authority has not registered any offences under the Sales Tax etc. for illegally transporting under any specific provision of law.

8. At the best, the seizing authority should have sought for certain documents relating to ownership of item no. 1 to 33 and released the same within a reasonable period of time from the date of seizure, the same has not been done. Thus, the petitioner has been harassed unnecessarily for more than one



year. Hence, the petitioner has made out a case so as to grant relief. Accordingly, the impugned decision of the respondent dated 6.12.2024 and 27.12.2024 are set aside.

9. The concerned authority is hereby directed to release the goods within a period of one week from the date of receipt of this order after due verification of the fact that petitioner is connected with the seized goods at item no. 1 to 33.

10. The petitioner shall cooperate in producing necessary material to connect the goods, which are narrated in Annexure-1. It is a case for imposing cost, in view of the fact that petitioner has been unnecessarily harassed for about one year and he had filed multiple litigations before this Court and Criminal Jurisdictional Court. In this regard, we have taken note of principle laid down by the Hon'ble Supreme Court in its Judgment, namely, **UFLEX Ltd. Vs. Government of Tamil Nadu & Ors.** reported in **(2022) 1 SCC 165**. Therefore, the respondents are hereby directed to pay a sum of Rs. 50,000/- to the petitioner towards litigations cost. The cost shall be paid by the respondents within eight weeks from the date of receipt of this order.

11. Accordingly, writ petition stands disposed of.



12. Copy of this order be communicated to the Chief Secretary of the State of Bihar, DGP, State of Bihar and Commissioner of Excise Department, State of Bihar.

(P. B. Bajanthri, J)

Sushma/-

(S. B. Pd. Singh, J)

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	08/07/2025
Transmission Date	

