

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1658-1659 OF 2017  
[@ SPECIAL LEAVE PETITION (CRL.) NOS. 6745-6746 OF 2017]

THE STATE OF BIHAR & ORS.

Appellant(s)

VERSUS

M/S SMART INDIA MARKETING & ANR.

Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.

2. Heard Mr. Shyam Divan, learned senior counsel appearing for the appellants and Mr. Nitin Kumar Thakur, learned counsel appearing for the caveator-respondents.

3. The appellants are before this Court, aggrieved by the interim order passed by the High Court of Judicature at Patna in Criminal Writ Jurisdiction Case No. 627 of 2017, whereby the High Court has directed to de-seal the godown belonging to Respondent No. 1 and release the goods therein on execution of a surety bond of Rs. 40 Lakhs.

4. Having regard to the contentions raised by the learned senior counsel based on the Notification dated 24.01.2017 issued under Section 24(1) of the Bihar Prohibition and Excise Act, 2016, we are of the view that the matter needs to be finally decided by the High Court expeditiously. Therefore, we dispose of these appeals with a request to the High Court to dispose of the main writ petition, being Criminal Writ Jurisdiction Case No. 627 of 2017 expeditiously and preferably within six weeks from today.

5. We make it clear that it will be open to the respondents, in case they choose so, to amend the pleadings as well within two weeks from today. Till the writ petition is disposed of, the implementation of the interim order passed by the High Court for de-sealing and releasing of goods shall be deferred.

6. Needless also to say that the presence of the officers on account of any non-compliance may not, hence, be required.

No costs.

.....J.  
[ KURIAN JOSEPH ]

.....J.  
[ R. BANUMATHI ]

New Delhi;  
September 15, 2017.

ITEM NO.50

COURT NO.5

SECTION II-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (Crl.) No. 6745-6746 of 2017

THE STATE OF BIHAR & ORS.

Appellant(s)

VERSUS

M/S SMART INDIA MARKETING & ANR.

Respondent(s)

Date : 15-09-2017 These appeals were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH  
HON'BLE MRS. JUSTICE R. BANUMATHI

For Appellant(s)      Mr. Shyam Diwan, Sr. Adv.  
                                 Mr. Keshav Mohan, Adv.  
                                 Mr. Smarhar Singh, AOR  
                                 Mr. Piyush Choudhary, Adv.

For Respondent(s)    Mr. Nitin Kumar Thakur, AOR  
                                 Mr. Pawan Kumar Sharma, Adv.  
                                 Mr. Rajiv Kumar Sinha, Adv.  
                                 Ms. Payal Soni, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The criminal appeals are disposed of in terms of the signed non-reportable Judgment.

Pending Interlocutory Applications, if any, stand disposed of.

(JAYANT KUMAR ARORA)  
COURT MASTER

(RENU DIWAN)  
ASSISTANT REGISTRAR

(Signed non-reportable Judgment is placed on the file)