
(2008) 09 PAT CK 0021
In the Patna High Court
Case No : LPA No. 938 of 2002

M/s Pappu Chemicals and Minerals and Another APPELLANT
Vs
The State of Bihar and Others RESPONDENT

Date of Decision : 01-09-2008

Acts Referred:

Citation : (2009) 2 PLJR 500

Hon'ble Judges : C.M. Prasad, J; Barin Ghosh, J

Bench : Division Bench

Advocate : Ganpati Trivedi, for the Appellant;

Final Decision : Allowed

Judgement

Barin Ghosh & C.M. Prasad, JJ.—In the seizure list, the forest officers reported that the product seized is quicklime, a produce of the kiln of the appellant. On the ground that quicklime is a product of mines or quarries, the seizure was made. The seizure was the subject matter of challenge in a writ petition, which has been dismissed by the judgment and order under appeal on the ground that quicklime is obtained by simply heating lime stone and therefore, the process by which quicklime is obtained can hardly be said to be so elaborated or complicated so as to disturb its proximity with the article found in the natural state. The above reasons and the pleadings of the parties in the writ petition make it clear that there was no dispute that the product seized was quicklime and not lime stone and that the seized quicklime has been made through heating process in the kiln of the appellant and that quicklime is not liftable either from mines or quarries. There is no dispute between the parties that limestone i.e. natural calcium carbonate, is the product of mines or quarries and remains such until the same is converted into something else. There is no dispute that quicklime is calcium oxide and not calcium carbonate. Calcium oxide can be had by converting calcium carbonate through heating process. Therefore, until such time heat is applied to calcium carbonate, calcium carbonate remains calcium carbonate. Even thereafter the same remains calcium carbonate, until the

heating process converts the same into calcium oxide. Heating process changes the chemical composition of lime stone into quicklime and accordingly, calcium carbonate becomes calcium oxide.

2. In such circumstances, the appeal is allowed. The judgment and Order under appeal is set aside and the writ petition is allowed with a direction upon the Seizing Authority to return the seized quicklime as well as the vehicle, which was seized alongwith quicklime. We are told that the truck has been released on bond and accordingly, the bond be discharged. In the event the seized lime stone has also been released on bond, the same shall also be discharged. In consequence of what has been held above, the confiscation proceeding stands dropped.