

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 528 of 2015

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1. Kumar Cement Company through its managing/working partner namely Anil Kumar Sinha having its office at 39 Industrial Area, Barauni, P.O.-Tilarath, District Begusarai.
 2. Anil Kumar Sinha, Working/Managing Partner of Kumar Cement Company having its office at 39 Industrial Area, Barauni, P.O.-Tilarath, District Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary.
2. The L.R. cum Law Secretary, Department of Law.
3. The Principal Secretary, Department of Industries, New Secretariat, Patna.
4. The District Magistrate, Begusarai.
5. The Sub-Divisional Magistrate, Begusarai.
6. The Superintendent of Police, Begusarai.
7. The Dy. S.P., Begusarai.
8. The Officer in Charge of Zero Mile Police Station, at District Begusarai.
9. The Officer-in-charge of Singhaul Police Station at District- Begusarai.
10. The Office Incharge of Refinery Barauni, Police Station, at District- Begusarai.
11. Ajay Kumar Alwi, SHO, Zero Mile Police Station.
12. Raghvendra Kumar Singh, SHO, Singhaul Police Station.
13. Dharendra Kumar Pathak, S.I., Refinery Police Station.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

5 14-07-2015 Heard Mr. N.K. Agrawal, learned senior
counsel assisted by Mr. Ranjan Kumar, learned counsel for
the petitioner and learned AC to GP-11 for the State.

Though the writ petition has been filed seeking
various reliefs but learned counsel for the petitioner submits
that he is restricting it to the prayer of getting the seal of the
factory opened so that it can run its business as it is neither



in public interest nor in the interest of the parties to have the premises which is a cement manufacturing unit to remain sealed and let the raw materials go waste. Learned counsel submits that on the basis of a purported raid, articles were seized, sent for testing and unfortunately the premises was also sealed which in his submission is beyond the power of the authority to do so. However, he submits that with regard to the other issues, he will not be pressing them in the present writ application.

Learned counsel for the State submits that the action of the authorities was bona fide and with regard to materials sent for F.S.L. examination, no report has yet come. However, he is not in a position to oppose the prayer for opening of the seal of the factory as the same is not going to cause any prejudice to the rights and contentions of the authorities who have carried out the exercise against the petitioners.

Upon hearing learned counsel for the parties, this Court is of the considered opinion that no useful purpose shall be served keeping the premises under lock and key which would not be in the interest of either party and also not in public interest.

Accordingly, the writ petition is disposed off with a direction to the authority which has put the seal on the factory of the petitioner to open the same within 24 hours of

the receipt of a copy of this order by him.

It is made clear that the same would be without prejudice to the rights and contentions of the parties including the State authorities with regard to checks/verification and obligation of the petitioner to maintain the quality and other issues.

Learned counsel for the State submits that the exercise may be completed in the presence of the authorities and the parties must put their signature to it. The Court feels no difficulty in observing that opening of the sealed premises may be done in presence of the Sub Divisional Officer and the Dy. S.P. and all the parties shall put their signature and the entire proceeding may also be videographed.

The application stands disposed in the aforesaid terms.

(Ahsanuddin Amanullah, J.)

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