

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.771 of 2016

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Krishna Mahaseth @ Krishna Kumar Mahaseth Son of Late
Radha Mahaseth Resident of Jurawan Singh, Ward No. 11, Near
Naka No. 3, under the Town Police Station District Darbhanga
..... Petitioner

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna
 2. The Director General of Police, Bihar, Patna
 3. The Inspector General of Police, Bihar, Patna
 4. The Principal Secretary (Excise), Government of Bihar, Patna
 5. The District Magistrate, Darbhanga.
 6. The Sub - Divisional officer, Darbhanga
 7. The Senior Deputy Collector, Legal Cell, Darbhanga
- Respondents
- =====

Appearance :

For the Petitioner : Mr. Ramakant Sharma, Sr. Advocate
Mr. Santosh Kumar Pandey, Advocate
For the Respondents : Mr. Anshuman Singh, AC to PAAG-1

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

3. 06-10-2016 Heard learned counsel for the petitioner and
learned counsel for the State.

By this writ petition, petitioner challenged
the proceedings initiated for confiscation of the flat of the
petitioner for alleged recovery of liquor from the same.

Learned counsel for the petitioner draws
attention towards arrest memo which was prepared at the
time of arrest of one of the co-accused, Umesh Kumar

Gupta, from whose possession allegedly liquor was found and that clearly shows that the liquor was seized from nearby house of one Jurawan Singh. There is no mention that liquor was seized from the flat of petitioner, but subsequently it is being mentioned that the liquor was seized from the house of Krishna Mahaseth @ Krishna Kumar Mahaseth, the petitioner. The consequences and liability being drastic. This fact could itself show that such a drastic step of confiscation and that too of mere possession which we have in several cases held to be illegal cannot be sustained.

We would, accordingly, set aside the confiscation proceedings, which we had earlier stayed. This could not affect the criminal prosecution which would be carried out on its own merits upon evidence being brought on record.

With this observation, this writ petition is disposed of.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Rajeev/-

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