

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.242 of 2017

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M/s. Dhillon Freight Carriers, Through Its Authorized Representative Imran Khan, son of Md. Mainuddin Khan, resident of K.G.N. Tower, Behind IGIMS, P.S. Shastri Nagar, District Patna, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar Through The Excise Commissioner, Department of Excise And Prohibition Department, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The District Magistrate cum Adjudicating Authority, District Sitamarhi, Bihar.
4. The Superintendent of Police, District Sitamarhi, Bihar.
5. The Officer in Charge cum Investigating Officer, P.S. Sitamarhi, District Sitamarhi, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, Advocate
For the Respondent/s : Mr. Anil Kumar Sinha (Ga1)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 16-03-2017 Heard learned counsel for the petitioner as well as the State-respondents.

The petitioner has sought for issuance of a direction upon the respondents to forthwith unseal and open the godown of the petitioner, which falls in the district of Sitamarhi and has been sealed on 22.10.2016 for alleged violation of the provision of Bihar Excise Amendment Act, 2016 for which Sitamarhi P. S. Case no. 674 of 2016 (G.R. no. 3338 of 2016) under Sections 272 and 273 of the Indian Penal Code as well as Section 47 of the Bihar Excise Amendment Act, 2016 has been registered.



Learned counsel for the petitioner submits that according to the F.I.R., a few bottles of liquor were allegedly recovered from the godown of the petitioner which is used for the purpose of transportation of goods as the petitioner is carrying on business of carriers/transportations. Learned counsel has placed reliance of the order dated 06.10.2016 passed by a Division Bench of this Court in Cr. W. J.C. No. 605 of 2016. The relevant portion of the order reads as follows :-

“ Learned counsel for the petitioner confines to the prayer made in this writ petition to unsealing residential premises of the petitioner, from where allegedly a few bottles of liquor were recovered less than one month after the notification was issued on 05.04.2016.

Considering the facts and circumstances and considering the various orders that have been passed in various cases, we direct that the premises of the petitioner be unsealed without prejudice to the State in respect of any other matter which would be disposed of in accordance with law.

With the aforesaid observation, this application stands disposed of.”

Considering the order of the Division Bench above, it is directed to the respondent-authorities that let the godown of the



petitioner, as stated above, be unsealed and handed over to the petitioner at the earliest.

With the aforesaid observation this application stands allowed.

(Birendra Kumar, J)

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