

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.855 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- MUZAFFARPUR

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Manoj Kumar Sahani, Son of Late Dev Lakhan Sahani, Resident of Mohalla -
Sikandarpur Kundal, P.S. - Town, District - Muzaffarpur

.... 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, Tirhut Range, Muzaffarpur
4. The Collector-Cum-District Magistrate, Muzaffarpur
5. The Superintendent of Police, Muzaffarpur
6. The Sub-Divisional Officer, East Muzaffarpur, District - Muzaffarpur
7. The Circle Officer-cum-Executive Magistrate, Mushahari, District-Muzaffarpur
8. Excise Superintendent, Muzaffarpur
9. The Excise Inspector, Town Achal, District - Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajeev Ranjan, Advocate

For the Respondents : Mrs. Manisha Singh, A.C. to G.P. VII

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 11-07-2017

From the grocery of the petitioner foreign liquor was,
allegedly, recovered and the shop has been sealed by the authorities in
pursuance of confiscation proceeding started for confiscation of the
sealed shop.

It appears that for the aforesaid violation of Excise
Laws, Muzaffarpur Excise Case No. 125 of 2016 was registered and
thereafter Confiscation Case No. 07 of 2016-17 started.

Submission of the learned counsel for the petitioner is
that the power of the Executive Authority to confiscate the seized
premise which is a judicial function is under challenge before a Larger



Bench of this Court in L.P.A. No. 1647 of 2015 (**Baleshwar Roy vs. The State of Bihar & Ors.**) and considering the aforesaid pendency in Cr.W.J.C. No. 605 of 2016 (**Smt. Manorama Devi @ Manorma Devi vs. The State of Bihar through the Chief Secretary, Govt. of Bihar**) a Division Bench of this Court directed unsealing of the sealed premise by way of ad interim measure.

Considering the facts and circumstances aforesaid as well as considering the various orders passed by this Court in different cases, it is directed that the sealed premise be unsealed, immediately, and handed over to the petitioner.

This order shall be subject to the final result of the L.P.A. aforesaid.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
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