

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1121 of 2017

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1. Amar Prakash Son of Sanjay Ram, R/o Village- Chhaparia, P.S.-
Gopalganj (Town), District- Gopalganj Petitioner

Versus

1. The State of Bihar Through The Chief Secretary, Government of Bihar,
Patna.
2. The District Magistrate Gopalganj.
3. The Superintendent of Police, Gopalganj,
4. The Excise Superintendent, Gopalganj.
5. The Officer In Charge of Gopalganj (Town), P.S.-Gopalganj
.... Respondents

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Appearance :

For the Petitioner : Mr. Choudhary Shyam Nandan, Adv.

For the Respondents : Mr. Anil Kumar Sinha (Ga-1)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 02-08-2017

Heard the parties.

The present writ application has been preferred under Articles 226 and 227 of the Constitution of India praying therein for issuance of mandamus against the respondents to unseal the dwelling house of the petitioner and restore possession of the same in favour of the petitioner. The said house was sealed in connection with Gopalganj (Town) P.S. Case No. 133 of 2017 for alleged violation of the provisions of the Bihar Prohibition and Excise Act, 2016.

It has been submitted by the learned counsel for the respondents that the processes of issuance of guidelines, in the matter, of sealing of the premise in exercise of power under Section 62 of the Bihar Prohibition and Excise Act, 2016, is under-way with the Government.

Considering the fact that the State-Government has not framed the guidelines as yet for sealing the premises under Section 62 of the Bihar Prohibition and Excise Act, 2016, as well as considering the fact that power of the executive authority to seal and confiscate is pending consideration before a larger Bench of this Court in L.P.A. No. 1647 of 2015 (**Baleshwar Roy Vrs. The State of Bihar & Ors.**) and also considering the fact that due to aforesaid pendency of the question in the Letters Patent Appeal, aforesaid, some other coordinate Benches have also ordered for



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unsealing of the premises, it is directed that respondents shall immediately unseal the dwelling house of the petitioner, which was sealed in connection with Gopalganj (Town) P.S. Case No. 133 of 2017. However, this order shall be subject to the result of the Letters Patent Appeal, aforesaid.

With the aforesaid observations, this application stands **disposed off**.

(Birendra Kumar, J)

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