

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 2016 of 2017

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

- =====
1. Rajnish Kumar Singh, S/o Virendra Singh, R/o Village - Jhitkahi, P.S. - Shyampur Bhataha, District - Sheohar
 2. Santosh Kumar Singh, S/o Surendra Prasad Singh, R/o Village - Jhitkahi, P.S. - Shyampur Bhataha, District - Sheohar

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary Excise Department, Patna
2. The Director, Vigilance Department, Bihar, Patna
3. The Collector cum District Magistrate, Sheohar
4. The Superintendent of Police, Sheohar
5. Ravindra Kumar, the Investigating Officer, P.S. - Shyampur Bhataha, District - Sheohar

.... Respondents

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Appearance :

For the Petitioners : Mr. Neeraj Kumar @ Sanidh, Advocate

For the Respondents : Mr. Kumar Manish, SC-V

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 15-11-2017

Heard learned counsel for the parties.

Petitioner no. 1 is tenant in the house of petitioner no. 2 standing on Khata No. 220, Plot No. 291. The petitioner no. 1 was running a Kirana Shop in the rented premise.

The authorities seized commercial quantity of wine and Shyampur Bhataha P.S. Case No. 33 of 2017 was registered. By order dated 25.07.2017 passed by the Collector, Sheohar in Confiscation Case No. 77 of 2017 the said shop has been ordered to be confiscated.

Submission of the learned counsel for the petitioners is that pre-trial attachment would amount to pre-trial punishment and the authority of the execution is under challenge in L.P.A. No. 1647 of



2015 (**Baleshwar Roy vs. The State of Bihar & Ors.**).

Hence, till adjudication of the aforesaid issue, the shop be released in favour of petitioner no. 1 with condition that the petitioner shall not use the said premise for any illegal purpose in future.

This interim release shall be subject to the final result of the pending L.P.A. aforesaid.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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