

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1272 of 2017

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

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1. Mukesh Chowdhary @ Sukhal Chowdhary, S/o late Prakash Chowdhary,
Village-Shikarpur, P.S.-Sonpur, District-Saran.

.... Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Registration, Excise & Prohibition Department, Government of Bihar, Patna & Ors
2. The Principal Secretary, Registration, Excise & Prohibition Department, Government of Bihar, Patna
3. The Collector, District-Saran
4. The Superintendant of Police, Saran.
5. The Officer-in-Charge, Sonpur Police Station, District-Saran.
6. The Investigating Officer, Sonpur Police Station, District-Saran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bishwajeet Singh, Advocate

For the Respondent/s : Mr. Vikash Kumar, SC-11

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 20-09-2017

Heard learned counsel for the petitioner and the State-respondents.

2. Dwelling house of the petitioner was sealed in connection with Sonpur P.S. Case No.284 of 2016 for alleged violation of the Excise laws.

3. Submission of the learned counsel for the petitioner is that the issue whether the executive authority have power to confiscate and seal the house seized in connection with the aforesaid case which power is exercisable only by a judicial authority is subjudice before a larger Bench of this Court in L.P.A. No.1647 of



2015. He further submits that a Division Bench of this Court in Cr.W.J.C. No.605 of 2016 in similar circumstances has ordered unsealing of the premises.

4. Learned counsel for the respondent submits that the petitioner had not approached the Court-below for unsealing of the premises.

5. To counter the aforesaid submission, learned counsel for the petitioner submits that he has approached the Collector for release of the house as Section 60 of the Bihar Prohibition and Excise Act bars the jurisdiction of the Court.

6. Since the authority of the confiscation officer is under challenge before a larger Bench of this Court in the referred L.P.A., the authorities are directed to immediately unseal the house of the petitioner, which is under seal in connection with Sonpur P.S. Case No.284 of 2016.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.09.2017
Transmission Date	22.09.2017

