

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1201 of 2017

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1. Wakil Rai Son of Dinanath Rai, R/o Village- Fatanpur, P.S.- Garkha,
District- Saran (Chapra) Petitioner

Versus

1. The State of Bihar Through The Chief Secretary, Government of Bihar,
Patna
2. The Inspector General of Police, Tirhut Division, Muzaffarpur
3. The District Magistrate, Muzaffarpur
4. The Superintendent of Police, Muzaffarpur
5. The Circle Officer, Kanti, District- Muzaffarpur
6. The Excise Superintendent, Muzaffarpur
7. The Excise Sub Inspector, Town Circle, Muzaffarpur
.... Respondents

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Appearance :

For the Petitioner : Mr. Hari Kishore Thakur, Adv.
For the Respondents : Mr. Kumar Manish, SC V

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 30-08-2017

Heard the parties.

The petitioner is Manager of the transport agency from godown whereof liquor was allegedly recovered and Excise Case No. C 50 of 2017 was instituted. Subsequently, confiscation proceeding of the seized godown has also been initiated by the District Magistrate, Muzaffarpur, vide Confiscation Case No. 14 of 2017-2018.

Submission of the learned counsel for the petitioner is that the power of the executive authority to seize and confiscate the premise is subjudice 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 the same is exercisable by the judicial authority. In the circumstances, the operation of the confiscation proceeding be stayed which shall be subject to the result of Letters Patent Appeal, aforesaid, and by way of interim measure the godown, aforesaid, of the petitioner be ordered to be unsealed by



the respondents and possession be handed over in favour of the petitioner.

I find substance in the submission, aforesaid. Hence, the respondents are directed to unseal the referred godown immediately and hand over possession of the same to the petitioner.

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

(Birendra Kumar, J)

SA/-

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