

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2395 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- SASARAM (ROHTAS)

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1. Kamta Singh Son of Late Moti Lal Singh, Resident of Village-Jogdhara P.S.
Dawath District Rohtas (Sasaram)

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of registration,
Excise and Prohibition, Department Govt. of Bihar, Patna.
2. The Superintendent of Police, Rohtas.
3. Officer in Charge, Dawath Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Respondent/s : Mr. A.K. Sinha, GA-1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 28-11-2017

Heard learned counsel for the parties.

2. The Dalan of the petitioner, situated at Khata No.74,
Plot No.418, was sealed in connection with Dawath P.S. Case
No.84 of 2017 registered for the alleged violation of the Bihar
Excise Law.

3. Submission of the learned counsel for the petitioner is
that the executive authority has no power to seize and confiscate the
vehicle or house which is a power exercisable by a judicial
authority. Prayer is that similar question is involved and pending in
**LPA No.1647 of 2015 (Baleshwar Roy V. The State of Bihar &
Ors.)** before a larger Bench of this Court. Hence, by way of ad



interim measure the respondent-authorities be directed to unseal and release the Dalan of the petitioner.

4. After hearing the parties and considering the fact that similar issue is pending before the larger Bench of this Court, let the referred Dalan of the petitioner be unsealed and possession thereof be handed over to the petitioner, on the petitioner's filing an undertaking that they would not dispose of the same or put under encumbrance without permission of the learned Court-below/authority concerned. The interim order shall be subject to the result of the pending L.P.A. aforesaid.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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