

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Writ Jurisdiction Case No.2082 of 2017**

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

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1. Roshan Kumar Singh, Son of Late Uday Pratap Singh, Resident of Shibshakti Nagar, P.S.- K. Hat, District- Purnea.

.... .... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Department of Registration, Excise And Prohibition, Government of Bihar.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Purnea.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**

**ORAL JUDGMENT**

**Date: 22-11-2017**

Heard learned counsel for the parties.

2. The house of the petitioner was sealed in connection with K. Hat (Maranga) P.S. Case No.598 of 2016, a case registered for alleged violation of Bihar Excise Law. About 12 liters (48 bottles) of liquor was recovered from the said house. By order dated 14.07.2017 passed by the learned District Magistrate, Purnea, in Excise Case No.113 of 2017, the said house has already been confiscated.

3. Prayer is for stay of the operation of the impugned order till disposal of the **LPA No.1647 of 2015 (Baleshwar Roy V. The State of Bihar & Ors.)** on the ground that pre-trial punishment



is bad-in-law and the authority of the executive to confiscate before conclusion of the trial is under challenge in the aforesaid L.P.A. Further prayer is for interim order for unsealing of the said house.

4. After hearing the parties and finding substance for the aforesaid reason, let the house, in question, standing on Khata No.576, Khesra No.1950, an area of 0.4 decimal, be unsealed and possession thereof be handed over to the petitioner, on the petitioner's filing an undertaking that he would not dispose of the same or put under encumbrance without permission of the authority concerned. The interim order shall be subject to the result of the pending L.P.A. aforesaid.

5. Let operation of the impugned order remain in abeyance till disposal of the L.P.A. aforesaid and shall be subject to the L.P.A. aforesaid.

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

**(Birendra Kumar, J)**

Mkr./-

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