

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2294 of 2017

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

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1. Sanjay Sao @Sanjay Kumar, Son of Ram Das Sao, resident of Village-
Pachana, P.S. and District- Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration
Department of Govt. of Bihar, Patna.
2. The Principal Secretary Excise Department, Govt. of Bihar, Patna.
3. The District Magistrate, Sheikhpura P.S. and Distt. Sheikhpura.
4. The Superintendent of Police, Sheikhpura P.S. and Distt. Sheikhpura.
5. The Officer In Charge Sheikhpura P.S. and Distt. Sheikhpura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Dr. Anjani Prasad Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 28-11-2017

Heard learned counsel for the parties.

2. The residential premises/other shops and godown of
the petitioner situated at village Pachana were sealed in connection
with Sheikhpura P.S. Case No.312 of 2017 registered for the alleged
violation of the Bihar Excise Law.

3. Submission of the learned counsel for the petitioner is
that the power of the executive authority to confiscate the
vehicle/house is under challenge before a larger Bench of this Court
in **LPA No.1647 of 2015 (Baleshwar Roy V. The State of Bihar
& Ors.)** and considering the aforesaid pendency another Division



Bench of this Court in **Cr.W.J.C. No.605 of 2016** in similar circumstances has ordered unsealing of the premises.

4. After hearing the parties and considering the fact that similar issue is pending before the larger Bench of this Court, let the referred house/shops and godown 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 where the case is pending.

5. Let operation of the confiscation proceeding, if any, remain in abeyance till disposal of the L.P.A. aforesaid and shall be subject to the result of the L.P.A. aforesaid.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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