

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2212 of 2017

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

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Jhunjhun Singh, Son of Guru Sharan Singh, resident of Mohalla - Balu Ghat, P.S.
Nagar, District - Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Excise and Prohibition Department, Bihar, Patna.
2. The Collector, Muzaffarpur.
3. Superintendent of Police, Muzaffarpur.
4. Station House Officer, Nagar Police Station, District- Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner : Mr. Naresh Chandra Verma, Advocate

For the Respondents : Mr. Anil Kumar Sinha, G.A.1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 22-11-2017

Heard learned counsel for the parties.

2. This writ application has been filed for a direction to the respondents to unseal the grocery shop, namely, Saraswati Grih Seva of the petitioner bearing registration no. 3259 and release of the Passion Pro Motorcycle bearing registration no. BR6U/6817 which was sealed and seized in connection with Muzaffarpur Town (Sikandarpur Out Post) P.S. Case No. 303 of 2017 under the provisions of the Bihar Prohibition and Excise Act, 2016 for the reason that six litres foreign liquor was recovered from there.

3. Learned counsel for the petitioner submits that the authority of the executive to confiscate and auction the sealed premise and other seized property is under consideration before a Larger Bench of this Court in L.P.A. No. 1647 of 2015 (**Baleshwar Roy vs. The State of Bihar**



& Ors.). In the circumstances, till adjudication of the aforesaid issue interim unsealing of the grocery shop be ordered. Moreover, considering the aforesaid pending issue, another Division Bench of this Court in Cr.W.J.C. No. 605 of 2016 (**Smt. Manorama Devi @ Manorma Devi vs. The State of Bihar & Ors.)** has already ordered unsealing of the premises.

4. Considering the substance in the submission of the petitioner as well as the above precedent of the Division Bench, let the premise be unsealed at once and the aforesaid vehicle be released in favour of the petitioner, by way of ad interim release, on execution of bank guarantee of Rs.50,000/- (rupees fifty thousand) to the satisfaction of the learned court below/authority concerned where the case is pending, with condition that the petitioner would not dispose of the said vehicle or put the same under encumbrance without permission of the authority concerned and shall produce as and when required by the Court.

5. The release shall be subject to the result of the L.P.A. aforesaid.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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