

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2386 of 2017

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

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Ajay Kumar Agrawal, Son of Late Jagdish Agrawal, Resident of Village- Godown Road, Bodh Gaya, P.S.- Bodh Gaya, District- Gaya.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Department of Excise, Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Superintendent of Police, Gaya.
4. The Assistant Commissioner, Excise, Gaya.
5. Sub-Inspector of Excise, Sadar cum Prahar Force, Gaya.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

For the Respondent/s : Mr. Vivek Prasad, G.P.-7.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-12-2017

Heard learned counsel for the parties.

2. 165 Kg. of Mahua flower was recovered from the godown of this petitioner which has been sealed.

Prayer is for release of the same.

3. The said house was sealed in pursuance of Excise Case No. 240 of 2016.

4. 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 house 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.

5. Considering the substance in the submission of the petitioner as well as the above precedent of the Division Bench, let the premise be unsealed in favour of the petitioner at once and further proceeding of confiscation case before the Collector, if any, remain stayed till disposal of the L.P.A. aforesaid and the same shall be subject to the final result of the L.P.A.

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

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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