

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No. 1218 of 2016**

Arising out of PS. Case No. - null Year - null Thana - null District - SITAMARHI

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Rajkumar @ Raju, S/o Late Sitaram Prasad Mohalla - Domna Gharari @ Domnagharari, Kapraul Road, Ward No. - 18, P.S. - Town P.S. Sitamarhi, District - Sitamarhi

.... .... Petitioner

Versus

1. The State of Bihar through the District Magistrate (Collector), Sitamarhi
2. The District Magistrate (Collector) Sitamarhi
3. The Superintendent of Police, Sitamarhi
4. The Excise Superintendent, Sitamarhi
5. The Excise Inspector, Sitamarhi
6. The Officer-in-charge, Town P.S. - Sitamarhi

.... .... Respondents

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**Appearance :**

For the Petitioner : Mr.

For the Respondents : Mr.

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

**ORAL JUDGMENT**

**Date: 28-03-2017**

Heard the parties.

2. The petitioner has sought for issuance of a direction upon the respondents to unseal and open the house and shop of the petitioner which falls in the district of Sitamarchi and has been sealed by the impugned order dated 19.08.2016 passed in Confiscation Case No. 13 of 2016 by the Collector, Sitamarhi. The aforesaid shop was sealed in connection with Sitamarhi Police Station Case No. 280 of 2016 a case under Section 47(A) of the Excise Act for alleged violation of the provisions of the Act.



3. Submission of the petitioner is that 825 ml. of liquor was, allegedly, recovered from the shop and from beneath the stair of the house. Learned counsel has placed reliance on the order dated 06.10.2016 passed by a Division Bench of this Court in Cr.W.J.C. No. 605 of 2016 (Smt. Manorama Devi @ Manorma Devi vs. The State of Bihar through the Chief Secretary, Govt. of Bihar). The relevant portion whereof is being reproduced below:-

*“Learned counsel for the petitioner confines to the prayer made in this writ petition to unsealing residential premises of the petitioner, from where allegedly a few bottles of liquor were recovered less than one month after the notification was issued on 05.04.2016.*

*Considering the facts and circumstances and considering the various orders that have been passed in various cases, we direct that the premises of the petitioner be unsealed without prejudice to the State in respect of any other matter which would be disposed of in accordance with law. With the aforesaid observation, this application stands disposed of.”*

4. Considering the order of the Division Bench above, it is directed to the respondent-authorities that let the shop and house of



the petitioner, as stated above, be unsealed and handed over to the petitioner at the earliest.

5. With the aforesaid observation, this application stands allowed.

**(Birendra Kumar, J)**

Kundan

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