

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1308 of 2017

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

- =====
1. Sanjay Kumar Gupta son of Deep Narayan Sah Resident of Mohalla - Bhagwan Bazar, P.S. - Bhagwan Bazar, District - Saran.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Saran at Chapra.
3. The Senior Deputy Collector, District Legal Cell, Saran at Chhapra.
4. The Senior Superintendent of Police, Saran at Chapra.
5. The Inspector-cum-S.H.O., Bhagwan Bazar Police Station, Saran at Chapra.
6. The Sub-Inspector of Police, Bhagwan Bazar Police Station, Saran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Dr. Rajesh Kumar Singh, Advocate
For the Respondent/s : Mr. Kumar Manish, SC-5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 15-11-2017

Heard learned counsel for the petitioner and the State.

2. This writ application has been preferred for release of the Betel Shop of the petitioner, which was sealed in connection with Bhagwan Bazar Police Station Case No.111 of 2017 for alleged violation of Bihar Excise Law. 17 bottles of wine was recovered from the betel shop of the petitioner.

3. Submission of the learned counsel for the petitioner is that the issue whether the executive authority have power to confiscate and seal the shop seized in connection with the aforesaid



case which power is exercisable only by a judicial authority is subjudice before a larger Bench of this Court in L.P.A. No.1647 of 2015. In the circumstances, till the decision of the L.P.A. aforesaid, the shop, in question, be unsealed by way of interim measure.

4. After hearing the parties and finding substance in the submission aforesaid, the authorities are directed to immediately unseal Betel Shop of the petitioner, which is under seal in connection with Bhagwan Bazar P.S. Case No.111 of 2017, with condition that petitioner 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. With the aforesaid observation, this writ application stands disposed of.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.11.2017
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