

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 1856 of 2017

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

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Md. Moinuddin @ Md. Moizuddin, Son of Late Md. Abdul Aziz, Resident of
Mohalla + P.S. - Khajekalan, District - Patna

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Home Department,
Government of Bihar, India.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General, Patna Zone, Patna.
4. The Deputy Inspector General, Central Range, Patna.
5. The District Magistrate, Patna.
6. The Senior Superintendent of Police, Patna.
7. The Superintendent of Police East, Patna.
8. The Sub-Divisional Police Officer, Patna City, Patna.
9. The Station House Officer, Khajekalan, District - Patna.
10. Executive Magistrate, Patna City, Patna.
11. The Union of India through Chief Controller of Explosives, Govt. of India,
Ministry of Commerce and Industry, Petroleum and Explosives Safety
Organization, Nagpur.
12. Controller of Explosive, Mahavir Complex, Adarsh Colony, P.O. - New
Jaganpura, Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. Ramakant Sharma, Sr. Advocate
Mr. Lakshmi Kant Sharma, Advocate
For the Res. (UOI) : Mr. S.D. Sanjay, Addl. S.G.
For the Res. No. 11 to 12 : Mr. Anshuman Singh, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 30-11-2017

Heard learned counsel for the parties.

2. Allegation against the petitioner and others in the criminal
case is that they were carrying business of crackers without licence.

3. This writ application has been preferred for a direction to
the respondent-authorities to de-seal the shop of the petitioner which was
sealed in connection with the referred Khajekalan P.S. Case No. 253 of



2016 on the allegation that the petitioner was selling crackers without licence.

4. Submission of the learned counsel for the petitioner is that no cracker was found from the shop of the petitioner and, merely, on suspicion, the same has been sealed. The record would reveal that there is no seizure list, hence, the act of the respondents is arbitrary one.

5. Learned counsel for the respondents Union of India submits that it was business of the police to seize the crackers which they have failed to perform and for that reason, the petitioner cannot be allowed to use the premise for any unlawful purpose.

6. After hearing the parties, the respondent-authorities are directed to, immediately, de-seal the shop of the petitioner, soon after receipt/production of a copy of this order. It is not necessary to state that the petitioner would not sale cracker without licence because everyone is expected to follow the law.

7. With the aforesaid observation, this writ application stands allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	04.12.2017
Transmission Date	04.12.2017

