

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1899 of 2017

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

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Bijendra Kumar Sah @ Bijendra Kumar S/o Awadhesh Sah, R/o Village-Basudeopur, P.S.- Barhara, District- Purnea.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration, Excise and Prohibition, Government of Bihar.
2. The Excise Commissioner, Bihar, Patna.
3. The Collector Cum the District Magistrate, Purnea.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Samir Kumar, Advocate

For the Respondent/s : Mr. Kumar Manish, SC-5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 16-10-2017

Heard learned counsel for the parties.

2. Foreign liquor was recovered from the house of the petitioner. The said house was seized in connection with Barhara P.S. Case No.74 of 2016. Subsequently, confiscation proceeding was initiated by the Collector, Purnea, vide Excise Case No. 215 of 2017 and by order dated 07.09.2017 the house has been confiscated.

3. Submission of the learned counsel for the petitioner is that the power of the executive authority to confiscate the vehicle/house is under challenge before a larger Bench of this Court in **LPA No.1647 of 2015 (Baleshwar Roy V. The State of Bihar & Ors.)** and considering the aforesaid pendency another Division



Bench of this Court in Cr.W.J.C. No.605 of 2016 in similar circumstances has ordered unsealing of the premises.

4. After hearing the parties and considering the aforesaid factual position, let the respondent authorities immediately unseal the house of the petitioner and handover the possession of the same to the petitioner. Further proceeding of Confiscation Case No.215 of 2017 shall remain stayed till disposal of the L.P.A. aforesaid. The unsealing would be subject to the result of the pending L.P.A. aforesaid.

5. With the aforesaid observation, this application stands disposed of.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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