

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.439 of 2017

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

=====

Munna Sah, son of Late Yogendra Sah, resident of Goushala Chowk, Rambagh Chouri, P.S.- Mithanpura, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Tirhut Range, Muzaffarpur.
4. The Collector-cum-District Magistrate, Muzaffarpur.
5. The Superintendent of Police, Muzaffarpur.
6. The Sub-Divisional Officer, East Muzaffarpur, District- Muzaffarpur.
7. The Circle Officer-cum-Executive Magistrate, Mushahari, District- Muzaffarpur.
8. Excise Superintendent, Muzaffarpur.
9. The Excise Inspector, Town Achal, District- Muzaffarpur.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 04-05-2017

Heard the parties.

2. The shop and its campus situated in village Kanhauli

Vishundutt was seized by the authorities for alleged violation of the excise laws as allegation is of recovery of 8.220 liters of wine in connection with Excise Case No.157 of 2016. Subsequently, in Confiscation Case No.11 of 2016-17, the respondent no.4 has directed for confiscation of the aforesaid house by order dated 23.12.2016 at Annexure-3.

3. Learned counsel for the petitioner submits that in



this writ petition, prayer is for unsealing the said house on the ground that the power of the Collector, who is an executive authority, to confiscate any property, which is judicial exercise of power, is under challenge before a Larger Bench in LPA No.1647 of 2015 and a Division Bench of this Court in Cr. W.J.C. No.605 of 2016 by order dated 06.10.2016 directed for unsealing of the premise without prejudice to the State in respect of any other matter which would be disposed of in accordance with law.

4. Considering the aforesaid observation of the Division Bench, let the premise of the petitioner be unsealed immediately on receipt of a copy of this order. This order shall be subject to result of the LPA aforesaid.

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

(Birendra Kumar, J)

Arvind/-

AFR/NAFR	
CAV DATE	
Uploading Date	12.05.2017
Transmission Date	12.05.2017

