

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.964 of 2017

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Kanti Devi, wife of Niranjana Singh, resident of village Ram Nagar, P.S.
Gaighat, district Muzaffarpur Petitioner

Versus

1. The State of Bihar Through The Chief Secretary, 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 Circle Officer, Bochaha, district Muzaffarpur
 7. The Excise Superintendent, Muzaffarpur
 8. The Officer-in-Charge, Gaighat Police Station, Muzaffarpur
- Respondents
- =====

Appearance :

For the Petitioner : Mr. Hari Kishore Thakur, Adv.
For the Respondents : Mr. Anil Kumar Sinha, GAI

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 30-08-2017

Heard the parties.

The prayer in this writ application is for unsealing of Niranjana Marketing Complex of the petitioner from where allegedly few bottles of liquor were recovered for which Confiscation Case No. 10 of 2017-2018 has been initiated.

Submission of the learned counsel for the petitioner is that the power of the executive authority to seize and confiscate the premise is subjudice consideration before a larger Bench of this Court in **L.P.A. No. 1647 of 2015 (Baleshwar Roy Vrs. The State of Bihar & Ors.)**.

In the circumstances, the operation of the confiscation proceeding be stayed which shall be subject to the result of Letters Patent Appeal, aforesaid, and by way of interim measure the shopping complex of the petitioner be ordered to be unsealed by the respondents and possession be handed over in favour of the petitioner.



After hearing the parties and considering the aforesaid fact and circumstances, the prayer of the petitioner is allowed.

The respondents are directed to immediately unseal the said premise and hand-over it in favour of the petitioner with the condition that the petitioner shall not dispose off the shopping complex and put the same under the encumbrance, subject to the result of the Letters Patent Appeal, aforesaid.

With the aforesaid observations, this application stands **disposed off**.

(Birendra Kumar, J)

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