

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10021 of 2017

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1. Rajkumar Tekriwal son of Matadi Tekriwal, resident of presently 1855, Bazir Singh Street, Chuna Mandi, P.S. Paharganj, Delhi.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Patna.
4. The District Magistrate, Patna.
5. The Superintendent of Police, Patna City.
6. Principal Secretary, Registration, Excise & Prohibition Department, Government of Bihar, Patna.
7. Principal Secretary, Registration, Excise & Prohibition Department, Government of Bihar, Patna.
8. The Circle Officer-cum- Executive Magistrate, Patna.
9. The Excise Inspector, Patna.
10. The Inspector of Police-cum- Incharge, Chowk Thana, Patna City, Patna.
11. The I.O.-cum- Sub Inspector of Police, Chowk Thana, Patna City, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Ms. Shama sinha, Advocate

For the Respondent/s : Mr. Kumar Manish- SC5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 25-08-2017

On account of the allegation that 300 m.l. and 500 m.l. of foreign liquor was seized from the premises of the petitioner, Chowk Thana P.S. Case No.141 of 2017 was registered for offences under Sections-272 and 273/34 of I.P.C. read with Sections 37(D)/32(3)/38(2) of the Bihar Excise Amendment Act, 2016 and 68G of the Bihar Excise Amendment Act, 2016.



Seeking unsealing of the premises pending finalization of the criminal case and the confiscation proceeding and permitting the petitioner to run the business activity in the area, this writ petition has been filed.

From the counter affidavit filed by the respondents and rival contentions and the materials that have come on record we find that the allegation is with regard to seizure of foreign liquor from the business premises and without entering into the controversy and expressing any opinion with regard to the allegation made in the matter, interest of justice would be served in case the premises is directed to be unsealed and the petitioner permitted to carry on the business activity without any hindrance subject, however, to the condition that the premises shall not be alienated, dealt with in any manner adverse to the interest of the State as may be available in the confiscation proceedings and the criminal case.

Accordingly, we allow the application, direct unsealing of the business premises of the petitioner and permit the petitioner to carry on the business activities in the premises. However, the petitioner shall submit two sureties to the satisfaction of the District Magistrate, Patna and a further undertaking not to alienate the premises or use it in any manner or deal with it in any manner so as to cause prejudice to the right or interest of the State in the matter of



proceeding with the confiscation proceedings and the criminal case.

With the aforesaid riders, the writ petition stands allowed and disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	31.8.2017
Transmission Date	N/A

