

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Writ Jurisdiction Case No.1194 of 2017**

Arising Out of PS.Case No. -null Year- null Thana -null District- BHABHUA (KAIMUR)

- =====
1. Ranju Singh, W/o Late Ranvijay Pratap Singh, resident of Village- Jehanabad, P.S.- Kudra, District- Kaimur at Bhabua.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration, Excise and Prohibition, Govt. of Bihar, Patna.  
2. The Excise Commissioner, Bihar, Patna.  
3. The Collector-cum-District Magistrate, Kaimur (Bhabua).  
4. The Superintendent of Police, Kaimur (Bhabua).

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate  
For the Respondent/s : Mr. Vivek Prasad, GP-7

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**

**ORAL JUDGMENT**

**Date: 15-09-2017**

Heard learned counsel for the petitioner and the State.

2. The house of the petitioner has been sealed for violation of the provisions of the Bihar Prohibition and Excise Act, 2016, and for the occurrence aforesaid Kudra P.S. Case No.127 of 2016 was registered. Later on Confiscation Case No.53 of 2016-17 was instituted for confiscation of the shop of the petitioner.

3. Submission of the learned counsel for the petitioner is that the issue whether the executive authority have power to confiscate and seal the shop seized in connection with the aforesaid case which power is exercisable only by a judicial authority is



subjudice before a larger Bench of this Court in L.P.A. No.1647 of 2015. He further submits that a Division Bench of this Court in Cr.W.J.C. No.605 of 2016 in similar circumstances has ordered unsealing of the premises. In the circumstances, till the decision of the L.P.A. aforesaid, further proceeding of Confiscation Case No.53 of 2016-17, arising out of Kudra P.S. Case No.127 of 2016 may kindly be stayed and the house be unsealed by way of interim measure.

4. Since the authority of the confiscation officer is under challenge before a larger Bench of this Court in the referred L.P.A. It is directed that operation of the impugned order shall remain stayed till disposal of the L.P.A. aforesaid and shall be subject to the result of the L.P.A. aforesaid. The authorities are directed to immediately unseal the house of the petitioner, which are under seal in connection with Kudra P.S. Case No.127 of 2016.

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

**(Birendra Kumar, J)**

Mkr./-

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