

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1186 of 2017

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

=====

1. Sitaram Baitha @ Raghu Baitha S/o Late Rajendra Baitha R/o Village - Koriya
Pipra, P.S. - Parihar, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary Excise Department, Bihar, Patna.
2. The District Magistrate (Collector), Sitamarhi.
3. The Superintendent of Police, Sitamarhi.
4. The Excise Superintendent, Sitamarhi.
5. The Excise Inspector, Sitamarhi.
6. The Thana Adhyaksh (S.H.O.) , P.S. - Parihar, District - Sitamarhi.

.... Respondent/s

=====

Appearance :

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

For the Respondent/s : Mr. Anil Kumar Sinha, GA-1

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 04-08-2017

Heard learned counsel for the petitioner and the State.

“Puja Meat House”, situated in Parihar Market (Parihar Chowk), Parihar, Sitamarhi, of the petitioner has been sealed for violation of the provisions of the Bihar Prohibition and Excise Act, 2016, and for the occurrence aforesaid Parihar P.S. Case No.139 of 2016 was registered. Later on Confiscation Case No.141 of 2016 was instituted for confiscation of the shop of the petitioner.

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. In the circumstances, till the decision of the L.P.A. aforesaid, further proceeding of Confiscation Case No.141 of 2016, arising out of Parihar P.S. Case No.139 of 2016 may kindly be stayed and the shop be unsealed by way of interim measure.

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.

In the meantime, the authorities are directed to immediately unseal Puja Meat House of the petitioner, which are under seal in connection with Parihar P.S. Case No.139 of 2016.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.08.2017
Transmission Date	08.08.2017

