

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 2179 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- NALANDA (BIHARSHARIFF)

=====

Ashok Kumar @ Ashok Prasad, Son of Jageshwar Mahto @ Jageshwar Prasad @ Jageshwar Garai, R/o Village - Sundi Bigaha, P.S. - Ekangarsarai, District - Nalanda (Biharsharif)

.... Petitioner

Versus

1. The State of Bihar through Chief Secretary, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Nalanda (Bihar Sharif).
4. The Collector-cum-District Magistrate, Nalanda (Bihar Sharif).
5. The Superintendent of Police, Nalanda, (Bihar Sharif).
6. The Circle Officer Ekangarsarai, District - Nalanda (Bihar Sharif).
7. The Excise Superintendent, Nalanda (Biharsharif),
8. The Officer In Charge Ekangarsarai P.S. - Nalanda (Biharsharif).

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Hari Kishore Thakur, Advocate

For the Respondents : Mr. Vivek Prasad, G.P. 7

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 22-11-2017

Heard learned counsel for the parties.

2. The petitioner is the owner of the shop which was under tenancy in favour of Mr. Haresh Kumar. From the said shop liquor was recovered and Ekangarsarai P.S. Case No. 91 of 2017 was registered. In the same case, the shop was sealed.

3. The present application has been filed for unsealing of the shop in favour of the petitioner.

4. Submission of the learned counsel for the petitioner is that no purpose would be served by continued sealing of the said shop and the tenant is ready to file affidavit before the learned court below



that he has no objection if the shop is released in favour of the petitioner. Subsequently, a confiscation proceeding has also been initiated by the District Magistrate, Nalanda, Bihar Sharif.

5. After hearing the parties and considering the aforesaid facts, let further proceeding pending before the Collector in confiscation proceeding, if any, remain in abeyance till disposal of the L.P.A. No. 1647 of 2015 (**Baleshwar Roy vs. The State of Bihar & Ors.**) and shall be subject to the final result of the L.P.A. aforesaid.

6. Let the shop be released in favour of the petitioner on verifying the affidavit of the tenant that he has no objection in unsealing of the shop in favour of the petitioner.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	25.11.2017
Transmission Date	25.11.2017

