

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 2131 of 2017

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

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Chuman Pandey @ Mukteshwar Pandey Son of Sri Satya Narayan Pandey, R/o
Village - Nawalpur, P.S. - Kathaiya, District - Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar
2. The Collector-cum-District Magistrate, Muzaffarpur.
3. The Superintendent of Police, Muzaffarpur.
4. The Circle Officer, Motirpur, District - Muzaffarpur.
5. The Officer In Charge , P.S. - Kathaiya, District - Muzaffarpur
6. The Superintendent of Excise, District Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner : Mr. Upendra Kumar Chaubey, Advocate
For the Respondents : Mr. Kumar Manish, SC-5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT
Date: 13-12-2017

Heard learned counsel for the parties.

2. This writ application has been preferred for quashing the order dated 13.07.2017 passed in Confiscation Case No. 95 of 2017-18 by the District Magistrate, Muzaffarpur in connection with Kathaiya P.S. Case No. 78 of 2016 whereby ancestral joint residential house of the petitioner appertaining to Thana No. 265 (Nawalpur), Khata No. 92, Plot No. 112, Area 24 Decimals was confiscated as the liquor has been recovered.

3. Since constitutional validity of the provisions under Sections 56, 57, 58 and 60 of the Bihar Prohibition and Excise Act,



2016 relating to confiscation is under challenge and the matter is pending before a Larger Bench in Cr.W.J.C. No. 2446 of 2017 (**Rahul Kumar @ Rahul Vs. The State of Bihar & Ors.**), let the respondents, immediately, unseal the house of the petitioner and hand over its possession to the petitioner, with condition that the petitioner would not dispose of or put under encumbrance the said house without permission of the court.

4. In the meantime, operation of the impugned order dated 13.07.2017 shall remain stayed and the release shall be subject to the final result of the pending Cr.W.J.C. aforesaid.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	16.12.2017
Transmission Date	16.12.2017

