

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1671 of 2017

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

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1. Ram Saran Sao @ Ram Sharan Sao Son of Late Rangi Sao, R/o Village-
Barauli, P.S.- Jamhore, District- Aurangabad.

.... 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, Aurangabad.
4. The Superintendent of Police, Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate
For the Respondent/s : Mr. A.K. Sinha, GA-1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 13-10-2017

Heard learned counsel for the parties.

2. The house of the petitioner was sealed and
subsequently confiscated by the impugned order dated 22.06.2017
passed in House Confiscation Case No.57 of 2016, arising out of
Jamhore P.S. Case No. 16 of 2016 for alleged violation of Bihar
Excise Law.

3. Submission of the learned counsel for the petitioner is
that the power of the executive authority to confiscate the
vehicle/house is under challenge before a larger Bench of this Court
in **LPA No.1647 of 2015 (Baleshwar Roy V. The State of Bihar**



& Ors.) and considering the aforesaid pendency another Division Bench of this Court in Cr.W.J.C. No.605 of 2016 in similar circumstances has ordered unsealing of the premises.

4. After hearing the parties and considering the aforesaid factual position, let the respondent authorities immediately unseal the house of the petitioner and handover the possession of the same to the petitioner. The unsealing would be subject to the result of the pending L.P.A. aforesaid.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.10.2017
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