

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 1083 of 2017

Arising out of P.S. Case No. - null Year - null Thana - null District - MUZAFFARPUR

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Arun Singh, Son of Bharat Singh, resident of village Mahammadpur Ganga, P.S. –
Baruraj, District Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Excise Department,
Government of Bihar, Patna
2. The Principal Secretary, Home Department, Government of Bihar, Patna
3. The Director General of Police, Bihar, Patna
4. The Collector-cum-District Magistrate, Muzaffarpur
5. The Senior Deputy Collector, District Legal Cell, Muzaffarpur
6. Excise Superintendent, Muzaffarpur
7. The Excise Sub-Inspector, Motipur Anchal, District Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajeev Ranjan, Advocate

For the Respondents : Mr. Anil Kumar Sinha, G.A. 1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 28-11-2017

Heard learned counsel for the parties.

2. 115 cartoons each containing 12 bottles of 750 ml.

illegal foreign liquor were recovered from the hut of this petitioner
which has been sealed. Prayer is for release of the same.

3. The said house was sealed in pursuance of Special
Excise No. 41 of 2017 arising out of Motipur Anchal P.R. No. 02 of
2017-18, thereafter confiscation case No. 58 of 2017-18 has also been
initiated.

4. Learned counsel for the petitioner submits that the
authority of the executive to confiscate and auction the sealed premise
and other seized property is under consideration before a Larger



Bench of this Court in L.P.A. No. 1647 of 2015 (**Baleshwar Roy vs. The State of Bihar & Ors.**). In the circumstances, till adjudication of the aforesaid issue interim unsealing of the house be ordered. Moreover, considering the aforesaid pending issue, another Division Bench of this Court in Cr.W.J.C. No. 605 of 2016 (**Smt. Manorama Devi @ Manorma Devi vs. The State of Bihar & Ors.**) has already ordered unsealing of the premises.

5. Considering the substance in the submission of the petitioner as well as the above precedent of the Division Bench, let the premise be unsealed in favour of the petitioner at once and further proceeding of confiscation case before the Collector, Muzaffarpur, if any, remain stayed till disposal of the L.P.A. aforesaid and the same shall be subject to the final result of the L.P.A.

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

(**Birendra Kumar, J**)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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