

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1826 of 2017

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

- =====
1. Ram Balak Yadav, Son of Radhey Yadav, resident of Adarsh Nagar Girihinda,
Police Station- Sheikhpura, District- Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise Department, Old
Secretariat, Patna.
2. The Excise Superintendent, Sheikhpura.
3. The Deputy Excise Superintendent, Sheikhpura.
4. The District Magistrate, Sheikhpura.
5. The Excise Chemical Examiner, Bihar, Patna.

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Kumar Manish, SC-5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 17-10-2017

Heard learned counsel for the parties.

2. Foreign liquor was recovered from the first floor of
the house of the petitioner. The said house was seized in connection
with Excise Case No.419 of 2017.

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
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