

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 1280 of 2017

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

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Baijnath Prasad Yadav, Son of Late Narayan Gop, resident of Mohalla -
MachchuaToli, House No. 46 Gha, Soni Chudi Shringar, Arya Kumar Road, P.S. -
Kadam Kuan, District - Patna

.... Petitioner

Versus

1. The State of Bihar, through Chief Secretary to Government of Bihar, Patna
2. The Principal Secretary, Department of Prohibition and Excise, Government of Bihar, Patna
3. The Director General of Police, Bihar, Patna
4. The Senior Superintendent of Police, Patna, District- Patna
5. The Officer-in- Charge, Kadam Kuan Police Station, District- Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. Abhay Kumar Thakur, Advocate

For the Respondents : Mr. Vikash Kumar, SC-XI

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 07-11-2017

Heard learned counsel for the parties.

This writ application has been preferred for a direction to the respondents to unseal the premise of the petitioner which was sealed in connection with Kadamkuan P.S. Case No. 162 of 2017, a case registered for alleged violation of the Bihar Prohibition and Excise Act, 2016.

Submission of the learned counsel for the petitioner is that the referred premise was under tenancy of accused Aditya Kumar Sahani and from his possession liquor was, allegedly, recovered.

After institution of the FIR, parents of Aditya Kumar Sahani removed all his goods from the said premise wherein shop was



running and handed over vacant possession of the same to the petitioner who is owner of the said shop. Thereafter, the police put lock. This is the statement in para 3 of the supplementary affidavit on oath.

Since no purpose is going to be served by continued sealing of the shop, let the same be released, by way of interim custody, in favour of the petitioner, on filing undertaking that the petitioner would not dispose of the same or put under the encumbrance nor shall let out the same without permission of the court.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	10.11.2017
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