

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.986 of 2017

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

- =====
1. Mutan Choudhary Son of Nanhak Choudhary Resident of Village - Bishunganj,
P.S. - Magadh Medical College, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Home, Bihar,
Patna.
2. The Director General of Police, Department of Home, Government of Bihar,
Patna.
3. District Magistrate, Gaya.
4. Senior Superintendent of Police, Gaya.
5. Block Development Officer, Nagar, Gaya.
6. Station House Officer, Magadh Medical Police Station, District - Gaya.

.... Respondent/s

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Appearance :

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

For the Respondent/s : Md. Nadeem Seraj, GP-5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 15-09-2017

Heard learned counsel for the petitioner and the State.

2. The residential house of this petitioner situated at Bishunganj within Magadh Medical Police Station, was sealed by the authorities as it was found that the petitioner had violated the provisions of Excise Laws.

3. The petitioner has challenged the aforesaid sealing of the house in this writ application on the ground that executive authority has no power to confiscate and seal in a preliminary manner, which is a power exercisable by a judicial authority and



the matter is already subjudice before a larger Bench of this Court in **LPA No.1647 of 2015 (Baleshwar Roy V. The State of Bihar & Ors.)**. He further submits that a Division Bench of this Court in Cr.W.J.C. No.605 of 2016 in similar circumstances has ordered unsealing of the premises.

3. Submission is that till adjudication of the aforesaid issue the authorities be directed to unseal the house of the petitioner, which shall be subject to the result of the L.P.A. aforesaid.

5. After hearing the parties, the authorities are directed to unseal the house in favour of the petitioner. The petitioner shall not dispose of the said house in any manner without permission of the District Magistrate, Gaya.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.09.2017
Transmission Date	

