

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2574 of 2017

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

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Ranjeet Kumar Choudhary s/o late Bhuwan Choudhary R/o village - Bishanpur,
P.S.- Ashok Paper Mill, District - Darbhanga.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Bihar, Patna.
2. District Collector, Darbhanga.
3. Superintendent of Police, Darbhanga.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Baidya Nath, Adv.

For the Respondent/s : Mr. Vikash Kumar, S.C. XI.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 20-12-2017

Heard learned counsel for the parties.

2. The room of the petitioner was sealed in connection with Laheriasarai P.S.Case No. 163 of 2017 (Benta O.P.) registered for the alleged violation of the Bihar Excise Law. Subsequently Confiscation Case No. 111 of 2017 was initiated and by order dated 18.10.2017 the said room has been confiscated.

3. The petitioner has challenged the aforesaid order in this writ application on the ground that executive authority has no power to confiscate in a preliminary manner, which is a power exercisable by a judicial authority and the matter is already sub judice 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 (Smt. Manorama Devi @ Manorma Devi vs. The State of Bihar & Ors.)** in similar circumstances has ordered unsealing of the premises.

4. Considering the urgency of the matter and the aforesaid binding precedent, let the respondent authorities immediately unseal the premises of the petitioner and handover the possession of the room to the petitioner with further condition that the petitioner shall not dispose of the said house or put under encumbrance without permission of the Collector concerned.

5. Further proceeding of Confiscation Case No. 111 of 2017 shall remain stayed till disposal of the Cr.W.J.C. aforesaid and shall be subject to the Cr.W.J.C. aforesaid.

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

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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