

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 1536 of 2017

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

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Smt. Pramila Singh, aged about 54 years, wife of Sri Upendra Narayan Prasad Singh, Resident of Mohalla - East Chitragupta Nagar, P.S. - Patrakar Nagar, District & Town - Patna

.... Petitioner

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Economic Offence Unit, Patna, District- Patna.
4. The Collector, Patna, District- Patna.
5. The Assistant Excise Commissioner, Collectorate, Patna.
6. The Thana Adhyaksha, Economic Office Unit, Patna.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Dilip Kumar, Advocate
For the State	:	Mr. Sanjeet Kumar Singh, A.C. to A.A.G.-6
For the EOU	:	Mr. V.N.P. Singh, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 11-09-2017

Heard learned counsels for the parties.

This writ application has been filed for a direction to the respondents to unseal the part of the premise of the petitioner's southern flat on the ground floor of the house bearing holding no. 1292/1/NH, ward no. 45, circle no. 50A in mohalla East Chitragupta Nagar, P.S. Patrakarnagar, Town Patna. The said premise was sealed in connection with Economic Offence Unit P.S. Case No. 09 of 2017 under the provisions of the Excise Act for the reason that huge quantity of foreign liquor was recovered from there.

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.**), hence, 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.

Learned counsel for the Economic Offence Unit opposed the prayer on the ground that huge quantity of liquor was recovered from the premise and there is provision for confiscation and auction of the premise under the provisions of the Bihar Prohibition and Excise Act.

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. This order shall be subject to the result of the L.P.A. aforesaid.

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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