

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1370 of 2017

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

- =====
1. Kamlesh Kumar Mehta, Son of Late Shiv Charan Mahto, a Resident of Shahganj, Professor Colony, P.S.-Sultanganj, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar, Advocate

For the Respondent/s : Mr. Lalit Kishore, PAAG

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 15-11-2017

Heard learned counsel for the petitioner and the State.

2. Petitioner is owner of the referred lodge. One of the rooms of the lodge was under tenancy of Manikant Kumar. From the said room, in possession of Manikant Kumar, 24 bottles of foreign liquor was recovered and Bahadurpur P.S. Case No.15 of 2016 was registered. The room has been sealed and confiscation proceeding has already been initiated.

3. Submission of the learned counsel for the petitioner is that the issue whether the executive authority have power to confiscate and seal the house in connection with the aforesaid case which power is exercisable only by a judicial authority is subjudice before a larger Bench of this Court in L.P.A. No.1647 of 2015. 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. In the circumstances, till the decision of the L.P.A. aforesaid, the room be unsealed by way of interim measure.

4. After hearing the parties and finding substance in the submission aforesaid, let the respondent authorities immediately unseal the referred room of the petitioner and handover the possession of the room to the petitioner on filing undertaking by the petitioner stating therein that he shall not allow the said room for use of any illegal purpose and Manikant Kumar shall also file written no objection before the authority concerned that he has no objection in unsealing the room in favour of the petitioner.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
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