

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1866 of 2017

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

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1. Jaishankar Singh @ Dharo Singh, Son of Laxman Singh, Resident of Village-
Sungatha, Police Station- Gangaur, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar Through The Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Excise Department, Government of Bihar, Patna.
3. The Collector, Khagaria.
4. The Excise Superintendent, Khagaria.
5. The Superintendent of Police, Khagaria.
6. The Officer-in-Charge of Gngaur O.P., Police Station and District Khagaria.
7. The I.O. cum Assistant Sub Inspector, Gangour O.P., Police Station and
District- Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Advocate
For the Respondent/s : Mr. Kumar Manish, SC-5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 17-10-2017

Heard learned counsel for the parties.

2. Foreign liquor was recovered from the residential house of the petitioner. The said house was seized in connection with Town (Gangour) P.S. Case No.525 of 2016. Subsequently, confiscation proceeding was initiated by the Collector, Khagaria, vide Excise Confiscation Case No. 36 of 2017-18 and by order dated 04.07.2017 the house has been confiscated.

3. Submission of the learned counsel for the petitioner is that the power of the executive authority to confiscate the



vehicle/house is under challenge before a larger Bench of this Court in **LPA No.1647 of 2015 (Baleshwar Roy V. The State of Bihar & Ors.)** and considering the aforesaid pendency another Division Bench of this Court in Cr.W.J.C. No.605 of 2016 in similar circumstances has ordered unsealing of the premises.

4. After hearing the parties and considering the aforesaid factual position, let the respondent authorities immediately unseal the house of the petitioner and handover the possession of the same to the petitioner with condition that petitioner shall not dispose of the said house or put the same under encumbrance or use for any unlawful purpose. The unsealing would be subject to the result of the pending L.P.A. aforesaid.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.10.2017
Transmission Date	19.10.2017

