

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2015 of 2017

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

- =====
1. Binod Kumar Agarwal @ Vinod Agarwal Son of Late Luxman Agarwal @ Late Laxman Prasad Agarwal, resident of Hiranand Sah Gali, P.S.- Chowk, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Excise Department, Government of Bihar, Patna.
2. The District Magistrate, Patna, District- Patna.
3. The Senior Superintendent of Police, Patna, District- Patna.
4. The Station House Officer, Chowk Police Station, Patna City, District- Patna.

.... Respondent/s

=====

Appearance :

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

For the Respondent/s : Mr. Vivek Prasad, GP-7

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 15-11-2017

Heard learned counsel for the parties.

2. Room of the petitioner's house was sealed, when some foreign liquor was recovered, in connection with Chowk P.S. Case No.157 of 2017.

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 room of the petitioner’s house and handover the possession of the same to the petitioner in connection with Chowk P.S. Case No.157 of 2017 with condition that the petitioner would not dispose of the said house or put under encumbrance without permission of the authority concerned. 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	17.11.2017
Transmission Date	17.11.2017

