

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2165 of 2017

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

Vijay Nut, Son of Shukal Nut, Resident of village - Parsauna, P.S. - Parsa, District - Saran at Chapra (Bihar)

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Saran at Chapra, District Saran (Bihar).
2. The Superintendent of Police, Saran at Chapra, District - Saran (Bihar).
3. The Deputy Superintendent of Police, Saran at Chapra, District - Saran (Bihar).
4. The Station House Officer, Parsa Police Station, Saran at Chapra, District - Saran (Bihar).
5. The Principal Sec. of Excise Department, Patna (Bihar)

.... Respondents

Appearance :

For the Petitioner : Mr. Manoj Kumar, Advocate

For the Respondents : Mr. Vikash Kumar, SC-11

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 22-11-2017

Heard learned counsel for the parties.

2. 3.5 litre of liquor was recovered from the hut of this petitioner which has been sealed. Prayer is for release of the same.

3. The said house was sealed in pursuance of Parsa P.S. Case No. 208 of 2016, thereafter confiscation case No. 75 of 2017 has also been initiated.

4. 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.**). In the circumstances, 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.

5. 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 and further proceeding of confiscation case before the Collector, if any, remain stayed till disposal of the L.P.A. aforesaid and the same shall be subject to the final result of the L.P.A.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	25.11.2017
Transmission Date	25.11.2017

