

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1810 of 2017

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

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1. Ravi Kumar @ Raja,
 2. Randir Kumar Both Sons of Bhola Prasad, R/o Village- Ashok Chowk Sahabganj, P.S.- Sahebganj, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Excise Department, Patna.
2. The District Magistrate Muzaffarpur,
3. The Superintendent of Excise, Muzaffarpur.
4. The Sub- Inspector , Excise Paroo Circle, Muzaffarpur.

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Kumar Ravish, Advocate

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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 shop of the petitioner. The said shop was sealed in connection with C-11-37/2017. Subsequently, confiscation proceeding was initiated by the Collector, Muzaffarpur, vide Confiscation Case No. 13 of 2017-18.

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 same or put under encumbrance without the 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
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