

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2075 of 2017

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

=====

1. Manoj Saw S/o Late Gajadhar Saw, R/o Chakai Bazar, P.S.- Chakai, District-Jamui.

.... Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary of Excise Govt. of Bihar At Patna.
2. The District Magistrate Jamui.
3. The Superintendent of Excise District Jamui.
4. The Superintendent of Police Jamui.
5. The S.H.O. Chakai.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate

For the Respondent/s : Mr. Vikash Kumar, SC-11

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 22-11-2017

Heard learned counsel for the parties.

2. Commercial quantity of foreign liquor was recovered from the shop (i.e., Manoj Sweets) of the petitioner situated under Mauza Chakai Bazar. The said shop was seized in connection with Chakai P.S. Case No.98 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 shop of the petitioner and handover the possession of the same to the petitioner on execution of **bank guarantee of Rs.1,00,000/- (One Lac)** to the satisfaction of the learned Court-below/authority concerned where the case is pending, on the petitioner's filing an undertaking that he would not dispose of the same 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	25.11.2017
Transmission Date	25.11.2017

