

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.645 of 2018

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Md. Chiraguddin @ Gabbar, Son of Md. Yusuf, Resident of Khajekalan Masjid, Khajekalan Ghat Road, Patna City, P.S.- Khajekalan, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Home Department, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General, Patna Zone, Patna.
4. The Deputy Inspector General, Patna Zone, Patna.
5. The District Magistrate, Patna.
6. The Senior Superintendent of Police, Patna.
7. The Superintendent of Police (East), Patna.
8. The Sub-Divisional Police Officer, Patna City, Patna.
9. The Station House Officer, Khajekalan, District- Patna.
10. The Executive Magistrate, Patna City, Patna.
11. The Union of India through Chief Controller of Explosives, Government of India, Ministry of Commerce and Industry, Petroleum and Explosive Safety Organization, Nagpur.
12. The Controller of Explosive, Mahavair Complex, Adarsh colony, P.O.- New Jaganpur, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate,
Mr. Rajesh Kumar, Advocate

For the Respondent/s : Dr. Mankeshwar Tiwari, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-04-2018 Petitioner is seeking provisional de-sealing of the shop in question which has been sealed by respondent authorities pursuant to the Letter dated 14.09.2016 issued under the signature of the Controller of Explosive (Respondent No. 12) in connection with Khajekalan P.S. Case No. 253 of 2016 dated 04.10.2016.

At the outset, learned Senior counsel has placed before this Court a copy of the order dated 14.03.2018 passed in



Cr.W.J.C. No. 2648 of 2017 (Md. Shamsad @ Kajju vs. State of Bihar & others). It is submitted that the case of the petitioner is identical in nature and in this case also the shop in question may be allowed to be de-sealed on production of document of title of the property in favour of the owner.

Learned counsel for the State is present.

Considering the facts and circumstances of the case, the present writ application is also disposed of in similar terms on which Cr.W.J.C. No. 2648 of 2017 has been disposed of.

If the petitioner is a tenant in the premises in question, the shop in question shall be released in favour of the petitioner only on the owner of the premises joining him in making an application for the release of the premises before the Court below.

The impugned order dated 08.02.2017 passed by the learned SDJM, Patna City, stands set aside in the light of the directions stated hereinabove.

(Rajeev Ranjan Prasad, J)

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