

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1348 of 2018

- =====
1. Shiv Chaudhary Son of Late Baijnath Chaudhary
 2. Birdan Chaudhary Son of Late Baijnath Chaudhary
 3. Nanhak Chaudhary Son of Late Baijnath Chaudhary
 4. Bhukhlal Chaudhary Son of Late Baijnath Chaudhary All are residents of Village Haraji, P.S. Awatar Nagar, District - Saran at Chapra.

.... Petitioners

Versus

1. The State of Bihar.
2. Excise Commissioner, State of Bihar, Patna.
3. Additional Commissioner, Excise, State of Bihar, Patna.
4. Excise Superintendent, District - Saran, Chapra.
5. Excise Deputy Superintendent, District - Saran.
6. Sub-Inspector Excise, District - Saran, Chapra.
7. District Magistrate, Saran.

.... Respondents

=====

Appearance :

For the Petitioners : Mr. Ajay Kr Singh No.1, Advocate

For the Respondent/s : Mr. Vikash Kumar

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

2 04-06-2018 The present application has been filed for unlocking of the house of the petitioners which has been sealed on account of lodging of criminal case vide Awatar Nagar P.S. Case No.173 of 2016 for different sections of Excise Act. The police has raided the house of the petitioners on 12.10.2016 and search was made of the house of the petitioners where substantial amount of liquor was recovered and after recovery of the same, the police has sealed the house of the petitioners.



Learned counsel for the petitioner submits that all the family members including children and old age persons have been forced to stay outside the house facing serious trauma on account of sealing of the house and request has been made that for the act or certain persons of the family the old age people including children cannot be deprived the shelter of the residence.

Counsel for the State has seriously objected the prayer of the petitioners and submitted that the seal of the house has been affected on account of prohibitory goods were found inside the house.

Having considered the rival contention, the residence is a primary need of every human person, specially those who are old age and children, on account of lodging of the criminal case entire family has been forced to stay under the vagaries of the nature. The right of shelter is a part of Article 21 of the Constitution of India and for the act of certain persons in the family entire family cannot be forced to stay outside in which they have not done any role violating of the law of the land.

Looking into the facts and circumstances, let the house be unsealed subject to furnishing the sufficient security to the satisfaction of the District Magistrate, Saran but will be subject



to result of confiscating proceeding if any either it is pending or to be initiated by the District Magistrate.

Accordingly, this application stands disposed of.

(Shivaji Pandey, J)

N.H./-

U		T	
---	--	---	--

