

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5232 of 2019

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Sandeep Jaiswal @ Sanjeev Jaiswal (Male) aged about 58 years S/o- Late
Kedarnath Jaiswal Resident of Saharsa, Ward No.-18,near Palika Chowk, P.S
and District- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar through The Collector, Saharsa
2. The Collector, Saharsa Bihar
3. The Superintendent of Police (Excise) Saharsa Bihar
4. The Thana Adhyakshya (S.H.O) Saharsa P.S and District- Saharsa Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Veena Kumari Jaiswal
For the Respondent/s : Mr.Anil Kr. Sinha (GA1)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 09-04-2019

Heard Mr. Upendra Prasad, learned counsel
appearing for the petitioner and Mr. Pawan Kumar, learned
AC to GA 1 appearing for the State.

Petitioner has questioned the notice dated
03.11.2018 issued by the Collector, Saharsa in purported
exercise of powers vested in him as Confiscating Authority
under the Bihar Prohibition and Excise Act, 2016.

It is submitted by Mr. Prasad that the house in
question was abandoned and thus the recovery, if any, of
liquor from the house is handy work of miscreants and not



the house owner.

Mr. Pawan Kumar, learned counsel for the State raises a preliminary objection on the maintainability of the writ petition because it is at the stage of notice that the petitioner has approached this Court.

Having heard learned counsel appearing for the parties, we are persuaded to to uphold the objection raised by the learned counsel for the State, however petitioner is allowed raise all issues as raised in this writ petition during the course of confiscation proceeding which shall be considered and disposed of on its own merits.

With the observations above, this writ petition is disposed of.

(Jyoti Saran, J)

(Arvind Srivastava, J)

mcv/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.04.2019
Transmission Date	NA

