

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14096 of 2019

Raju Chaudhari, aged about 32 years, male, Son of Late Bhanu Chaudhari, a resident of near Maiya Asthan, Jalalpur Methwaliya, P.S. - Rivilganj, District-Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Govt. of Bihar, Patna.
2. The District Magistrate / Collector, Saran, Chapra.
3. The Superintendent of Police, Saran, Chapra.
4. The Excise Superintendent, Saran, Chapra.
5. The Subdivisional Police Officer, Chapra, Saran.
6. The Station House Officer, Rivilganj, Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Harish Kumar
For the Respondent/s : Mr. Vivek Prasad (G.P. - 7)

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAKESH KUMAR)

2 15-10-2019 Heard Sri Harish Kumar, learned counsel for the petitioner and Sri Vivek Prasad, learned Government Pleader -7.

The petitioner, invoking writ jurisdiction of this court under Article 226 of the Constitution Of India, has prayed for directing the respondents to unseal his dwelling house which has been sealed in connection with Rivilganj P.S. Case No. 251 of 2018 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner by way of referring to the facts disclosed in the F.I.R. as well as seizure list, which is part of the F.I.R. (i.e. Annexure- 1 to the writ petition) submits that on an accusation of finding 06 liters of country made liquor



in the dwelling house of the petitioner as per the F.I.R. the liquor was seized. In the seizure list also there is mention of seizure of only liquor but his dwelling house was sealed by the authority concerned. Neither in the F.I.R. nor in seizure list there is any mentioning regarding sealing. He submits that unauthorizedly and illegally the dwelling house of the petitioner has been sealed. Learned counsel for the petitioner has drawn our attention to the statement made in paragraph no. 6 of the writ petition to show that his house was seized regarding which confiscation proceeding is to be initiated.

In this case a counter affidavit has been filed on behalf of respondent – Collector, Saran. Sri Vivek Prasad, learned Government Pleader -7 by way of referring to the statement made in paragraph no. 4 of the counter affidavit submits that Collector has not received any communication from the Police regarding confiscation. No counter affidavit has been filed on behalf of the remaining respondents. However, the allegation of the petitioner made in paragraph no. 6 of the writ petition is uncontroverted.

Considering the fact that neither in the F.I.R. nor in the seizure list there was mentioning of putting seal on the house of the petitioner, the court is of opinion that if there is any



seal by the authority concerned, the respondents are directed to forthwith unseal the same. The order of this court must be complied on the date of receipt / production of a copy of this order.

The writ petition stands allowed.

(Rakesh Kumar, J)

(Anjani Kumar Sharan, J)

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