

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.65 of 2019

Arising Out of PS. Case No.-136 Year-2018 Thana- DEHRI TOWN District- Rohtas

Mahendra Chaudhary son of Hira Lal Chaudhary, resident of Mohalla-Subhash Nagar, Ward No.14, Street No.04, P.S.-Dehri, District- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Government of Bihar, Patna
2. The Director General of Police, Bihar, Patna
3. The Inspector General of Police, Shahabad Range, Dehri-On-Sone, District- Rohtas.
4. The District Magistrate, Rohtas.
5. The Senior Superintendent of Police, Rohtas.
6. The Circle Officer-cum-Executive Magistrate, Sasaram
7. The Police Inspector-cum-Incharge of Dehri (T) Police Station, P.S.-Dehri (T), District- Rohtas.
8. The Investigating Officer of Dehri (T) P.S.-cum-Sub Inspector of Police, Dehri (T) Police Station, P.S.-Dehri (T), District- Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Arun Kumar Singh, Advocate
For the Respondent/s	:	Mr.Kumar Manish, SC-5

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 09-07-2019 This application under Articles 226 and 227 of the Constitution of India has been filed by the petitioner for directing the respondents to unseal the room of the petitioner appertaining to C.S.Khata No.35, Plot No.78 measuring an area of one Katha situated at Mohalla- Pali, P.S.-Dehri, District- Rohtas which has been sealed in connection with Dehri (Town) P.S. Case No.136 of 2018 on the charge that huge quantity of wine was seized from the roof of the house of the petitioner in exercise of powers conferred under Section 62 of the Bihar



Prohibition and Excise Act, 2016.

At the outset, learned counsel for the petitioner submitted that since the room of the petitioner has been sealed and a report in this regard has been sent to the Collector for confiscation of the same, the proceeding resorted to by the respondents under Section 62 of the Bihar Prohibition and Excise Act, 2016, is a civil proceeding. However, due to inadvertance, a criminal writ petition has been filed before this court. He submitted that the writ petition be disposed of with liberty to the petitioner to assail the action of the respondents in sealing the premises of the petitioner by way of filing a civil writ petition.

Considering the submissions made by the learned counsel for the petitioner, the application is disposed of with liberty to file a civil writ petition before this court in the same subject matter.

(Ashwani Kumar Singh, J)

Md. S/-

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