

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6580 of 2020

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Laloo Chaudhary @ Laloo Pasi @ Lalan Choudhary, Son of Siyaram Choudhary Resident of Village- Bangalgarh, Police Station- Katoria, District-Banka.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Prohibition, Excise and Registration Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Prohibition, Excise and Registration Department, Govt. of Bihar, Patna.
3. The District Magistrate Banka.
4. The Superintendent of Police Banka.
5. The Officer-in- Charge, Chandan Police Station Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Adv.
For the Respondent/s : Mr.Vivek Prasad (GP7)

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The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE JUSTICE S. KUMAR)

Date : 03-09-2020

Heard learned counsel for the petitioner and
learned counsel for the respondents.

Petitioner has prayed for the following reliefs:

“ (i) For issuance of writ in the nature of mandamus or any other appropriate writ for commanding the respondents to unseal the house of the petitioner situated at Khata No. 181, Khesra No. 6594/1973 as the same has been sealed in connection with Chandan P.S. Case No. 104 of 2018 registered under Sections 30(a) and 30(d) of the Bihar Prohibition and Excise (Amendment) Act 2016 on 06.07.2018.



- (ii) For holding that the initiation of confiscation proceeding against entire house of petitioner is illegal and unsustainable in the eye of law.
- (ii) For issuance of any other appropriate writ, order or direction which your Lordships may deem fit and proper in the facts and circumstances of the case.”

Informant is a police officer who has alleged that on 06.07.2018 at about 8:20 P.M., while he was on patrolling duty along with other police personnel he saw a person standing near his newly constructed house and upon seeing the police he fled away and thereafter three roomed house was searched in which two brick built chulha, large utensils, mahua , and other incriminating materials were found from which countrymade liquor was being prepared and country made mahua liquor were kept in various bottles which were recovered and seized alongwith one motorcycle kept there.

Persons assembled there disclosed that house belongs to Laloo Choudhary (petitioner) who fled away on seeing the police upon which FIR was registered giving rise to Chandan P.S. Case No. 104 of 2018 registered under Sections 30(a) and 30(b) of the Bihar Prohibition and Excise (Amendment) Act 2016, and the premises was sealed.

The writ petition is disposed of with a direction to



the Confiscating Officer, Banka to dispose of the confiscation proceeding initiated for confiscation of sealed premises within 90 days from the date of filing of show cause by the petitioner, failing which, the premises of the petitioner shall be unsealed till conclusion of confiscating proceeding and possession to be handed over to the petitioner, on the petitioner depositing the original title deed of property, in question, as security with one surety to the extent of value of property as per the circle rate with the District Collector, or competent authority, Banka. Petitioner shall also file an undertaking that during pendency of confiscation proceeding, no third party right or interest will be created on the property liable for confiscation.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/-

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

