

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No. 3755 of 2018**

Netar Sharma @ Ratneshwar Sharma, S/o Late Shivu Sharma @ Shiv Thakur,  
Resident of Village- Manik Chauk, P.S.- Runnisaidpur, Dist.- Sitamarhi.

... .. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Excise Department, Govt. of Bihar, Patna.
2. The District Magistrate, Sitamarhi, Dist.- Sitamarhi.
3. The Superintendent of Police Sitamarhi, Dist- Sitamarhi.
4. The Office in-charge of Runnisaidpur Police Station, P.S.- Runnisaidpur, Dist.- Sitamarhi.

... .. Respondents

**Appearance :**

For the Petitioner : Mr. Sanjay Kumar, Adv.  
For the Respondents : Mr. Vivek Prasad -GP-7

**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**

**ORAL ORDER**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

3      21-01-2020                      Heard learned counsel for the petitioner and the respondents.

The petitioner prays for setting aside the order dated 12.01.2018 passed by the District Magistrate, Sitamarhi in Confiscation Case No. 677 of 2017 whereby the breakfast shop of the petitioner has been confiscated/sealed and further direction to the respondents to unseal and hand over the possession of the breakfast shop to the petitioner sealed in connection with Runnisaidpur P. S. Case No. 285 of 2017 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner invites our attention to the order dated 18<sup>th</sup> January, 2020 passed in CWJC No. 3245 of 2017 titled as Manish Kumar Chaudhary Vs. The State of



Bihar & Ors. and prays for disposal in terms thereof.

As such, as prayed for, on mutually agreed terms, we dispose of the present petition in terms of the order dated 18<sup>th</sup> January, 2020 passed in CWJC No. 3245 of 2017 titled as Manish Kumar Chaudhary Vs. The State of Bihar & Ors. making the terms contained therein, applicable mutatis mutandis, insofar as applicable, also to the instant petition. The terms of the said order shall be deemed to have been incorporated and read as a part and parcel of the present order.

It shall be obligatory on the part of the instant parties to place on record of the authorities under the provision of the Bihar Prohibition and Excise Act, 2016, a copy of not only the order passed in the instant petition, but also that of CWJC No. 3245 of 2017 titled as Manish Kumar Chaudhary Vs. The State of Bihar & Ors. which can be conveniently downloaded from the internet.

No order as to costs.

Petition stands disposed off in the aforesaid terms.

**(Sanjay Karol, CJ)**

**( Anil Kumar Upadhyay, J)**

Rajeev Kumar/-

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