

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6404 of 2018

1. Samir Alam @ Sarwar Sai and Anr
2. Sohrab Alam Both are Sons of Tahaouwar Hussain @ Tahaouwar Sai
Resident of Mohalla - Dargah Road, Ward No. 25, P.S.Gopalganj, District -
Gopalganj Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Excise Commissioner, Bihar, Patna.
3. The District Collector, Gopalganj, District - Gopalganj.
4. The Superintendent of Police, Gopalganj, District - Gopalganj.
5. The Excise Superintendent, Gopalganj, District - Gopalganj.
6. The Sub-Divisional Officer, Gopalganj, District - Gopalganj.
7. The Sub-Divisional Police Officer, Sadar Gopalganj.
8. The Circle Officer, Gopalganj, District - Gopalganj.
9. The District Sub-Registrar, Gopalganj, District - Gopalganj.
10. The Station House Officer, Gopalganj Town P.S. District - Gopalganj.
11. The Sub Inspector of Police-cum-Informant of Gopalganj Town P.S. Case
No. 326/2016.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Satish Chandra Mishra
For the Respondent/s : Mr.Vivek Prasad- Gp7

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 petitioners pray for setting aside the order dated
16.01.2018 passed by the District Magistrate, Gopalganj, in
Confiscation Case No. 268 of 2017, whereby the Restaurant of



the petitioner no. 1 in which the medicine shop of petitioner No. 2 is also situated, has been confiscated/sealed and further direction to the respondents to unseal and hand over the possession of the restaurant to the petitioner no.1 sealed in connection with Gopalganj (Town) P.S. Case No. 326 of 2016 for the offences punishable under Sections 272, 273 of the Indian Penal Code and Sections 47(a) and 57 of the Bihar Prohibition & Excise (Amendment) Act, 2016.

Learned counsel for the petitioner invites our attention to the order dated 18th 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 18th 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)

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