

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4500 of 2018

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Umesh Chandra Jaiswal, son of late Hari Prasad Jaiswal @ Late Hari Prasad,
Resident of Village- Dumarbana, Ward No. 20, Bhaskar Cinema Road, P.S.
Bairgania, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Patna, Bihar.
2. The Collector/District Magistrate, Sitamarhi.
3. The Superintendent of Police, Sitamarhi.
4. The Excise Superintendent, Sitamarhi.
5. The Excise Inspector, Sitamarhi.
6. The Officer-in-Charge, Bairgania, Police Station, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate
For the Respondent/s : Mr.Vikash Kumar, SC-11

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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 05.12.2017 passed by the District Magistrate, Sitamarhi, in Confiscation Case No. 357 of 2017 whereby the Estoo Shop House of the petitioner has been confiscated/sealed and further direction to the respondents to unsealed and hand over the possession of the Estoo House Shop to the petitioner sealed in connection with Bairgania P. S. Case No. 133 of 2017 registered



for the offences punishable under Sections 272, 273 of the Indian Penal Code and Sections 30(a) and 37(a) of the Bihar Prohibition and Excise 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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