

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8862 of 2021

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Hotel Shahanshah @ Shahansah having its office at Darbhanga Road, Ahiyapur, Muzaffarpur through its partner Prem Shankar Singh @ Tunna Singh aged about 54 years Son of Vishwanath Singh, Resident of House No. 75, Saraiya Motipur Road, Near Berua School, Village and P.O. Panchat Berua, P.S.. Block Sariya, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration, Excise And Prohibition, Government of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The S.S.P. Excise Department, Muzaffarpur.
4. The Superintendent of Police, Muzaffarpur.
5. The Collector cum the District Magistrate, Muzaffarpur.
6. The Circle Officer, Kanti, Muzaffarpur.
7. Station House Officer, P.S. Kanti, Muzaffarpur.

... .. Respondent/s

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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.)

Appearance :

For the Petitioner/s : Mr.Brisketu Sharan Pandey, Adv
For the Respondent/s : Mr.Kumar Manish SC-5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 09-06-2021

Learned counsel for the parties desire the matter be taken up today.

Petitioner has prayed for the following reliefs:-

“(i) To issue an appropriate writ in the nature of Mandamus directing the respondents to unseal and unblock the hotel of the petitioner which is in name and style of M/s Hotel Sahanshah (at Sadatpur Darbhanga Road, PS Kanto & District Muzaffarpur in the State of Bihar, land bearing Thana No. 392, Plot No. 116, Khata No. 125, Khesra No. 2822 Muzaffarpur) and



hand over the same to the petitioner with condition of co-operating in the investigation and trial on part of petitioner.

(ii) To issue an appropriate writ in the nature of Mandamus directing the respondent authorities that the Hotel Premises(at Sadatpur Darbhanga Road, PS: Kanti & District Muzaffarpur in the State of Bihar, land bearing Thana No. 392, Plot No. 116, Khata No. 125, Khesra No. 2822 Muzaffarpur) not to auction/confiscate the premises.

(iii) Further and alternatively without prejudice to the relief(s) sought for hereinbefore, issue an appropriate writ in the nature of Mandamus directing the Respondents to unseal/unlock the aforesaid hotel premises and seal only the room no. 202 in the aforesaid hotel premises where the alleged incident took place as per the FIR in PS case No. 54 of 2021 dated 20.01.2021 after taking an undertaking from the petitioner that he will not disturb anything inside the Room No. 202 of the premises till the conclusion of the investigation or any other condition.”

It is submitted by learned counsel for the petitioner that sealed premises is a Hotel and allegation is that from three persons staying in Room No. 202, 8 litre and 740 ml of illicit liquor was recovered, for which petitioner cannot be made liable and whole Hotel cannot be sealed and due to sealing, petitioner is unable to repay the loan secured from the financial institution.

It is submitted by learned counsel for the State that confiscation proceeding being **Confiscation Case No. 297 of 2021-22** has already been initiated against the seized hotel and the date of appearance is **23.06.2021**, on which date petitioner shall appear and file his show cause.

In the facts and circumstances of the case, the writ petition is disposed of with a direction to the Confiscating Authority/District Collector, Muzaffarpur, to provisionally unseal the Hotel **except Room No. 202**, 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 concerned District Collector/Confiscating Authority, and District Collector/Confiscating Authority Muzaffarpur shall conclude the confiscation proceeding within 90 days, after filing of show cause by the petitioner.

Petitioner shall also file an undertaking that during pendency of confiscating proceeding, no third party right or interest will be created on the property liable for confiscation.

The writ petition is accordingly, disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.06.2021
Transmission Date	NA

