

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14828 of 2021

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Sunil Kumar S/o Ramdev Ray, Resident of Ward No.- 5 Sundar Saray,
Motipur, P.S. Motipur, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary Department of Excise,
Vikash Bhawan, Patna, Bihar.
2. The Principal Secretary Home Police, Bihar, Patna.
3. The District Magistrate Muzaffarpur, District - Muzaffarpur.
4. The Excise Superintendent of Police Muzaffarpur District Muzaffarpur.
5. The Sub-Inspector Excise Raiding Force - 2, Muzaffarpur Unit, District
Muzaffarpur.

... .. Respondent/s

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice /Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences /offices.)

Appearance :

For the Petitioner/s : Ms.Nitu Kumari, Adv
For the Respondent/s : Mr.Vivek Prasad (GP7)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 21-09-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“That this is an application is preferred on behalf of
abovenamed petitioner for issuance of appropriate writ/writs,

commanding the respondents authorities to get unseal the house of petitioner which has been illegally sealed by the Respondent No. 5 (SI Excise Raiding Force-2) Muzaffarpur in connection with Muzaffarpur Excise Case No. 229/2021 (PR No. 16/2021) offences under section 30(a), 32(3) Bihar Prohibition and Excise Act. The case is pending in the court of learned Special Judge, Excise Act, Muzaffarpur.”

Allegation is of recovery of 104.455 litre of illicit liquor from the medical shop near the main entrance gate of said joint house of petitioner.

It is submitted on behalf of petitioner that he is owner of the sealed premises and nothing was recovered from his possession or from the house and same has been sealed although no offence under the Excise Act is made out. It is further submitted that no confiscation proceeding has been initiated as yet.

In the facts and circumstances of the present case, the **Confiscating Authority/District Collector, Muzaffarpur**, is directed to provisionally unseal the sealed house **except the medical shop near the main entrance gate of said joint house** of petitioner forthwith 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, or Confiscating Authority.

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.

This writ petition stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

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