

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16729 of 2021

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Beby Devi Wife of Late - Mahadev Sarkar, resident of Mohallah - Chandani Chowk, P.S. - Kasba, District - Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Purnea.
3. The Superintendent of Police, Purnea.
4. The Superintendent of Police, Excise, Purnea.
5. The Officer-in-charge of Kasba, Police Station, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand, Advocate
For the Respondent/s : Mr.Vikash Kumar (Sc11)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 03-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“ For issuance of mandamus directing and commanding the respondent authorities to release the house of the petitioner by unlocking the door of the said house, which have been illegally and deliberately locked by the Kasba polic pursuant to Kasba P.S. Case No. 151 of 2021 dated – 17.07.2020 registered under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition of Excise Act 2016 and the petitioner also prays for any other relief or reliefs for which

he is legally entitled to, on the peculiar facts and circumstances stated in this petition.”

It is submitted that petitioner is a widow lady and her son has been made accused in an excise case after recovery of 20 litre illicit liquor kept below the staircase, however, whole house was sealed and petitioner has become homeless.

It is submitted by learned counsel for the petitioner that petitioner is not an accused in the excise case, still portion of house in which, she resides has been sealed by the police. It is further argued that by amendment brought under Bihar Prohibition and Excise Rules, 2021, only that part of the premises which has been used for committing offence shall be sealed and not the whole premises. For better appreciation, Rule 12(v) is quoted below:-

“12.(v) As far as possible, only that portion of private residential premises which has been used for committing offence shall be sealed and not the whole premises or entire residence.”

In such view of the matter, the premises of the petitioner shall be unsealed and possession to be handed over to the petitioner forthwith preferably within 7 days from the date of receipt/production of a copy of order passed by this Court.

With said observation and direction, this writ petition

is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	
CAV DATE	
Uploading Date	13.12.2021
Transmission Date	