

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20555 of 2021

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Sheo Kumar Chhapolika son of Late Lakhi Prasad Chhapolika, R/o Bhagwati Complex, Variety Chowk, Jagdishpur, P.S.-Tatarpur, District-Bhagalpur, Proprietor Shiv Priya Medical Store, 83A, M.P. Dwivedi Road, P.S.-Tatarpur, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration Excise and Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Bhagalpur.
3. The Superintendent of Police, Bhagalpur.
4. The Station House Officer, Tatarpur Police Station, District-Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar, Advocate
For the Respondent/s	:	Mr. Vivek Prasad (GP-7)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-12-2021

Heard learned counsel for the parties.

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

“For issuance of appropriate writ in the nature of ‘Mandamus’ or any writ/writs, order/orders commanding the respondents to unseal the Medicine Shop of the petitioner namely “Shiv Priya Medical Store” which has been sealed in connection with Tatarpur P.S. Case No. 72/2021 registered under section- 30(a) of the Bihar Prohibition and Excise Act, 2016.”



Allegation is of recovery of Two beer Canes of 500 ml. each from the medical shop of the petitioner namely “Shiv Priya Medical Store” (described as Shiv Priya Medical Hall in the First Information Report), giving rise to Tatarpur P.S. Case No. 72 of 2021 dated 05.04.2021 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

It is submitted on behalf of the petitioner that petitioner has no concern with the seized liquor and perhaps the same had been planted by some mischief monger with a view to ruin the prestige of the petitioner. Also, confiscation proceeding bearing number Miscellaneous (Excise Act) Case No. 64/2021 has been initiated and is pending before Sub-Divisional Officer, Sadar, Bhagalpur.

In the facts and circumstances of the case, the concerned District Magistrate/Confiscating Officer, Bhagalpur is directed to provisionally unseal the Medicine Shop of the petitioner, as detailed in the prayer portion (supra), and hand over possession of the same to the petitioner, on the petitioner depositing the original title deed of the 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 confiscation proceeding, no third party right or interest will be created on the property liable for confiscation.

Petitioner undertakes to cooperate in the confiscation proceedings.

With said observations and direction, this writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

P.K.P./Amrendra

AFR/NAFR	
CAV DATE	
Uploading Date	24.12.2021
Transmission Date	

