

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2688 of 2017

Arising Out of PS. Case No.-27 Year-2017 Thana- NAUBATPUR District- Patna

=====

Dhiraj Kumar Son of Sri Uday Sharma @ Brajesh Kumar Sharma, Resident
of Village- Pitwas, Police Station- Naubatpur in the District of Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government Of Bihar, Patna a
2. The Collector-cum-District Magistrate, Patna.
3. Mitesh Kumar, Inspector-cum-Station House Officer, Naubatpur Police
Station in the district of Patna

... .. Respondents

=====

Appearance :

For the Petitioner : Mr. Prabhu Narayan Sharma, Advocate
For the Respondents : Mr. Vikash Kumar, S.C.-11

=====

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 20-02-2023

Heard the parties.

This writ application has been filed seeking quashing of the order dated 10.10.2017 passed by the Collector-cum- District Magistrate, Patna, in Confiscation Case No. 336 of 2017-18 (State vs. Dhiraj Kumar) as contained in Annexure-4 to this writ application. The confiscation case has arisen out of Naubatpur P.S. Case. 27 of 2017 registered for the offences under Sections 30/38(1)/41(1) of the Bihar Prohibition and Excise Act, 2016 and Section 120-B/34 of the Indian Penal Code.

Learned counsel for the State submits that pursuant



to the order dated 15.01.2018 the house of the petitioner has been released. He further submits that this writ application is not maintainable in view of judgment of this Court rendered in the case of *Suman Kumar Sinha vs. State of Bihar and Ors.* reported in *1995 (1) PLJR 213*.

Considering the above, this writ application is disposed of with a liberty to the petitioner to file appropriate application before appropriate authority/Court/Forum.

It is made clear that release of the house of the petitioner shall not be disturbed by the respondent authorities on account of disposal of this case.

(Sandeep Kumar, J)

pawan/-

U		T	
---	--	---	--

