

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5882 of 2017

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Ganesh Chaudhary, Son of Late Bhola Chaudhary, Resident of Village-Old Motihari Road, Bairiya Bus Stand, P.S.-Kanti, District-Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through, the Secretary, to the Government department of Excise and Prohibition, Government of Bihar, Patna.
2. The Commissioner, Excise, Bihar, Patna.
3. The Collector-Cum-District Magistrate, Muzaffarpur.
4. The Excise Superintendent, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Archana Palkar Khopde, Advocate
		Mr. Shishir Kumar, Advocate
For the Respondent/s	:	Mr. Vivek Prasad- GP 7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 13-09-2017 Issue notice.

Sri Vivek Prasad, learned G.P. 7, takes notice for the respondents.

Respondents to file counter affidavit within four weeks.

In the meanwhile, keeping in view the interim order passed in Letters Patent Appeal No.1647 of 2015 on 17.05.2016 and the question as to whether the Collector can pass an order of confiscation which is pending consideration before the Division Bench of this Court, we allow the interim prayer and direct the District Magistrate-cum- Collector, Muzaffarpur to ensure that



the house of the petitioner situated at Mauza Sadatpur, Thana No.392, Khata No.298, Khesra No.1217, Rakwa-2 decimal, which has been confiscated in view of the confiscation order passed under the Bihar Prohibition & Excise Act, 2016 on 25.10.2016 in Case No.27 Confiscation 2016-17 is unsealed and possession handed over to the petitioner forthwith subject to the condition that the petitioner shall not alienate or create any third party interest or deal with the house in question in any manner so as to prejudice the right of the State in confiscation proceeding.

List for analogous hearing along with LPA No.1647 of 2015.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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