

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12437 of 2017

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Sadashiv Chaudhary, Son of Shankar Chaudhary, Resident of Purani Bazar,
Jhajha, P.S.- Jhajha, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Excise Department, Bihar, Patna.
3. The District Magistrate, Jamui.
4. The Superintendent of Police, Jamui.
5. The Officer-in-Charge, Police Station, Jhajha (Jamui).
6. The Investigating Officer of Jhajha P.S. Case No.55/17, P.S. Jhajha, District-
Jamui.

... .. Respondent/s

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Appearance :
For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate
For the Respondent/s : Mr. Anil Kumar Sinha -GA 1
Mr. Kumar Ravish, Advocate

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

Date : 04-09-2017

An FIR has been lodged against the petitioner for offences under the Bihar Prohibition and Excise Act, 2016 and grievance of the petitioner is that pending finalisation of the criminal case and pending initiation of confiscation proceedings, dwelling house of the petitioner situated over Mauza- Nawadih, Purani Bazar Jhajha Khata No.68, Khesara No.1351, area 1 1/13 decimals, Police Station- Jhajha in the district of Jamui has been sealed. Certain country made liquor and foreign wine have been seized and the proceedings are going on.



Taking note of the facts that the petitioner’s dwelling house itself has been sealed which creates great hardship to the petitioner, this petition is allowed. We direct that pending finalisation of the criminal case and initiation of the confiscation proceedings, dwelling house of the petitioner shall be released to the petitioner. However, the petitioner shall submit two sureties to the satisfaction of the District Magistrate, Jamui with an undertaking that he shall abide by any order that may be passed during the pendency of the criminal case and a further undertaking not to alienate the premises or use it in any manner or deal with it in any manner so as to cause prejudice to the right or interest of the State. On the same being done, the seal of the house of the petitioner shall be opened and released to the petitioner.

With the aforesaid observations and directions, the writ petition stands allowed and disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.09.2017
Transmission Date	

